ACTS

33024

OF THE

NINETY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-FIFTH UNDER THE NEW CONSTITUTION.



NEW BRUNSWICK, N. J.:
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1869.

ACTS

OF THE

NINETY-THIRD LEGISLATURE.

CHAPTER I.

Supplement to an act prescribing certain Oaths.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chief justice, chancellor, or any member of the senate, shall be and is hereby authorized to administer the oaths of office and allegiance to the person who shall be elected governor of this state, or who shall be constitutionally eligible to take the oath of office, which oaths, if the legislature be in session, shall be administered in the presence of the senate and house of assembly at such place as they may designate. Who may administer oath of office to governor, and where.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby, to the extent that they are so inconsistent, repealed, and this act shall take effect immediately. Repealer.

HENRY S. LITTLE,
President of the Senate.

LEON ABBETT,
Speaker of the House of Assembly.

Approved January 14, 1869.

MARCUS L. WARD,
Governor.

CHAPTER II.

A Supplement to the act entitled "An Act to facilitate the drainage of swamp and meadow lands in the township of Landis, in the county of Cumberland, and in the township of Buena Vista, in the county of Atlantic.

Extension of drainage act to the township of Buena Vista, in Atlantic county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to facilitate the drainage of swamp and meadow lands in the township of Landis, in the county of Cumberland, and in the township of Buena Vista, in the county of Atlantic," approved March eighteenth, anno domini, eighteen hundred and sixty-eight, and all the benefits and provisions of said act be, and the same are hereby extended to the township of Franklin, in the county of Gloucester.

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

Approved February 3, 1869.

THEODORE F. RANDOLPH,
Governor.

CHAPTER III.

An Act to change the corporate name of the Holden Machine Company to the Industrial Machine Works.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the "Holden Machine Company" be and the same is hereby changed to "The Industrial Machine Works;" and the said corporation, as the "Industrial Machine Works," shall possess all the powers, privileges and immunities of the said Holden Machine Company, and be liable for all the obliga-

tions and duties of said company, and subject to all the restrictions imposed on the same by the act incorporating the said "The Holden Machine Company," approved February twenty-eighth, eighteen hundred and sixty-six, and the supplement thereto, approved January twenty-ninth, eighteen hundred and sixty-seven.

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

Approved February 3, 1869.

CHAPTER IV.

An Act to incorporate the Trenton Baptist Association of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the association now known as "The Trenton Baptist Association," shall be and hereby is constituted a body politic and corporate by the name and title of "The Trenton Baptist Association," and by that name and title they and their successors shall be known in law, have power to sue and be sued, to defend and be defended, in all courts whatsoever, and shall be capable of acquiring and receiving by purchase, gift, devise, bequest or otherwise, and becoming possessed of and holding or aliening, releasing or conveying any real or personal estate not exceeding the yearly value of three thousand dollars, in the whole, and the said property so held shall not be subject to taxes of any kind whatsoever; and shall have power to adopt and use a common seal, with power to alter or renew the same at pleasure, and may ordain or make such regulations and by-laws as shall be necessary or convenient for the admission of members, the election of officers, the convening and government of the said corporation, and for conducting its affairs; *provided*, that the said regulations and by-laws be not contrary to the constitution of the United States or of this state, or inconsistent therewith.

Name of corporation.

Powers and rights.

Proviso.

New Jersey State Library

Corporation, how composed.

2. *And be it enacted*, That the said corporation shall be composed of delegates, members of such baptist churches as comply with the requirements of such by-laws and regulations; its annual meeting shall be held at such time and place as it by by-law or resolution may determine, at which annual meeting a moderator shall be chosen in such manner as the corporation may by its by-laws determine; a clerk and treasurer and such other officers as may be deemed necessary may be elected at such times and in such manner as the said corporation may direct; all officers shall hold office until their successors are elected; David B. Stout shall be the first moderator, James Buchanan the first clerk, and Enoch Allen the first treasurer.

Annual meeting and officers.

How its funds shall be used.

3. *And be it enacted* That the funds of the said corporation shall be used only for printing its minutes and other incidental expenses, for missionary and educational purposes, and for the support of disabled ministers of the baptist denomination, and of the widows and orphans of such ministers; *provided*, that nothing in this section shall be so construed as to prevent the said corporation from applying the funds acquired by any grant, gift or bequest, in accordance with the provisions or conditions of such grant, gift or bequest; and no misnomer or other informality shall defeat any gift, grant or bequest to said corporation if the intention of the giver, grantor or testator is apparent or can be ascertained.

Proviso.

Act may be altered or amended.

4. *And be it enacted*, That the legislature may alter or amend this act at pleasure, providing no vested rights are impaired thereby; and that this act shall be deemed and taken to be a public act in all respects whatsoever, and shall take effect immediately.

Approved February 3, 1869.

CHAPTER V.

An Act to authorize the Trustees of the Methodist Episcopal Church of Tuckerton to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of the village of Tuckerton, in the county of Burlington, or their successors in office, be and they are hereby authorized and empowered to sell and convey a certain house and lot of land, situate in said village of Tuckerton, in the county of Burlington, now held in trust as the property, or for the use and former occupancy of said Methodist Episcopal Church of Tuckerton, by virtue of a deed made to the trustees of said church by Ebenezer Tucker, bearing date the twenty-ninth day of June, anno domini eighteen hundred, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law. Trustees may sell and convey certain real estate.

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

Approved February 3, 1869.

CHAPTER VI.

An Act to incorporate the Hudson Boat Club of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hamilton Wallis, William E. Pearson, Matthew Gilbert, Robert K. Buckman, Dudley Murray, Charles N. King, Eli C. Neilson and William G. Morgan, and such other persons as now are or hereafter may be associated with them and their successors, shall be, and are Corporators.

hereby constituted a body corporate by the name of "The Hudson Boat Club of Jersey City," in the county of Hudson, for the purpose of engaging in and promoting rowing and other athletic exercises; the principal office of said corporation to be located in Jersey City, in said county.

Name and objects.

May hold real and personal estate.

2. *And be it enacted*, That the said corporation is hereby authorized to receive by donation, purchase or otherwise, and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same or any part thereof, to sell, mortgage, lease or otherwise dispose of at pleasure.

Capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of such amounts and transferable in such manner and upon such conditions as the said corporation shall prescribe.

Powers of corporation.

4. *And be it enacted*, That the said corporation shall have power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the election of its officers and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure, and in its corporate name may be sued, and may institute suits both in law and equity for the recovery of all fines, debts, fees, dues and arrearages due the said corporation and for all other causes of action.

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

Approved February 6, 1869.

CHAPTER VII.

An Act to incorporate the German Glee Club Eintracht of the City of New Brunswick.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Horstman, Charles

Josten, Hugo Brehm, Edward Schmidt, Andrew Dohm, M. Frankenstein and Theodore Silzer, and such other persons as now are or hereafter may be associated with them, and their successors, are hereby constituted a body corporate, by the name of "The German Glee Club Eintracht of the City of New Brunswick," to be located in the city of New Brunswick, for the purpose of mental and physical improvement, by establishing a library and reading room, and by such other means as shall be expedient and proper for such purpose. Name and object.

2. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution and by-laws and regulations for the admission, suspension and expulsion of its members, and their government, the collection of fees and dues, the election of its officers, and to define their duties, and for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution and by-laws and regulations; and in the meantime the present constitution and by-laws and regulations of the said club shall be and continue in force and the present officers shall hold their respective offices until others are elected in their places. Powers of corporation.

3. *And be it enacted* That said corporation shall have power to sue, and may be sued by their corporate name, and shall have power to take, by purchase, lease, gift, grant, devise and bequest, any real or personal estate, and hold, convey and transfer the same; *provided*, that it does not hold at any one time real property, the net income of which shall exceed one thousand dollars a year. May hold real and personal estate. Proviso.

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

Approved February 6, 1869.

CHAPTER VIII.

An Act to incorporate the Washington Steam Fire Engine Company, Number Three, of the City of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John McKiernan, Patrick Corporators

Chapman, Samuel G. McKiernan, John E. Clark. Frederick Bott, John Wise, George Riker, and all persons who now are or hereafter shall become associates of "The Washington Steam Fire Engine Company, Number Three, of the City of Paterson," be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Washington Steam Fire Engine Company, Number Three, of the City of Paterson," and by such name they shall have succession and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and that they and their successors may have a common seal, make, enter into, and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt, such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper; *provided*, that said company shall be subject to and controlled by the same laws, ordinances, rules, and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by.

Name.

Powers of corporation.

Proviso.

Capital stock, how applied.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of twenty-five thousand dollars, which shall be applied to the purchase of real estate, stock in any insurance company, furniture for their house, equipments for their members, and such implements and machines, and to such incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Payment of installments.

3. *And be it enacted*, That the said capital stock of the said company shall be divided into shares of ten dollars each, and at the time of subscription there shall be paid an installment of ten per centum on each share subscribed; the directors are authorized to call upon the said subscribers for the payment of further installments in such sum or sums at such time or times and under such forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Books of subscription to be opened.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened at the city of

Paterson, at such time after the passage of this law as the members of the company shall deem proper.

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

6. *And be it enacted*, That the property of said company held under this act shall be free and exempt from taxes and assessments. Property free from taxes and assessments.

7. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of the said company, not less than fifteen days and not more than thirty days before each annual election. Annual statement required

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

Approved February 6, 1869.

CHAPTER IX.

An Act to incorporate the Sisters of the Poor of Saint Francis, in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Teresa Nellisen, Catharine Voss, Teresa Hoffacker, Angela Voss, Margaret Marmion, Bridget Keenan and Catharine Biddner and their associates and successors, members of the society of "The Sisters of the Poor of Saint Francis," shall be, and they are hereby constituted a body corporate and politic in law, by the name of "The Sisters of the Poor of Saint Francis;" the object of said corporation is the gratuitous care of the sick, aged, infirm and poor. Corporators. Name and object.

May hold real and personal estate to a stated amount free from tax or assessment.

2. *And be it enacted*, That the said corporation shall have perpetual succession, and may sue and be sued in any court whatsoever, may have a corporate seal and break and renew the same at pleasure, and may take, receive, hold and enjoy by gift, grant, devise, bequest or otherwise, any real estate or personal property within this state, but the annual value of such real estate, other than the hospital or hospitals and grounds in use for the society, shall not exceed the sum of ten thousand dollars, and may sell and convey such real estate; and said hospital or hospitals and grounds, while in use as such, shall not be liable to any tax or assessment.

Number of trustees.

3. *And be it enacted*, That the trustees of said corporation shall be seven in number, all members of said society of "The Sisters of the Poor of Saint Francis," and in case any trustee shall cease to be a member of said society, the office of said trustee shall thereby become and be vacant.

Corporators to be the first trustees.

4. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation or removal of any of said trustees, or otherwise, in the office of trustee, shall be filled by the election of some person who shall be a member of the society of "The Sisters of the Poor of Saint Francis," to fill such vacancy, by the remaining trustees, without unnecessary delay; the said trustees shall hold a regular meeting at least once in each year, to transact such business as may be necessary.

Officers.

5. *And be it enacted*, That the business of said corporation shall be managed and directed by the said board of trustees, who shall annually elect from their number a president, a vice president, one secretary and a treasurer, and such other officers as may be required, who shall respectively hold their offices for one year from the time of their election, and until their successors in office be chosen.

Powers of trustees.

6. *And be it enacted*, That the board of trustees of said corporation, shall have power vested in them from time to time, to make and establish such by-laws, rules and regulations as shall be deemed most proper for the election of officers, regulating their duties and the discharge of the same; for the admission of members, conducting their meetings, and for the management and general transaction of the affairs of the corporation, as also to change, revoke or amend the same;

Proviso.

provided, such by-laws, rules and regulations shall not be in

conflict with or repugnant to this act, to the constitution or laws of this state or of the United States.

7. *And be it enacted*, That no misnomer of said corporation shall defeat any gift, grant or devise; *provided*, that it sufficiently appear that any estate or interest was intended to be thereby vested in said corporation. No misnomer shall defeat gift, grant, or devise.

8. *And be it enacted*, That no failure to elect trustees or to fill vacancies in the board of trustees of said corporation, shall work a dissolution of said corporation or any forfeiture whatever of the franchises, rights or property thereof. Failure to elect not to work a forfeiture.

9. *And be it enacted*, That in case of the death, resignation, removal or disqualification of all the trustees of the society of "The Sisters of the Poor of Saint Francis," in this state, may elect seven trustees of said corporation, who shall have power to fill vacancies in their board in like manner as hereinbefore provided. Vacancies, how filled.

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

Approved February 6, 1869.

CHAPTER X.

An Act to incorporate the Social Turnverein of the City of Newark, Essex County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Emil Heerwagen, Ernst Fischer, Henry Schade, Adolph Mayle, William Saul, Julius Rust, August Herrman, Friedrich Lichtenfels, Max Geiger, Emil Weis, Melchior Bader, and such other persons as are now or hereafter shall become members of "The Social Turnverein of Newark," are hereby constituted a body corporate by the name aforesaid. Corporators. Name.

2. *And be it enacted*, That the object of this society shall be the improvement of mental, physical and corporal education. Objects of corporation

3. *And be it enacted*, That the said corporation shall have General powers.

power to prescribe admission and expulsion of its members, and for the election, time of service and duties of its officers.

May purchase and hold real estate.

4. *And be it enacted*, That the said corporation may purchase and hold real and personal estate for their use and benefit, the value of which shall not at any time exceed fifty thousand dollars.

Restrictions and liabilities.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An act concerning corporations," passed and approved February the fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

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

Approved February 6, 1869.

CHAPTER XI.

An Act amendatory of an act entitled "An Act to authorize the Mayor and Common Council of the City of Newark to borrow a sum or sums of money, not exceeding in the whole two hundred thousand dollars, for the purchase of sites, erecting and furnishing public schools," passed April eighth, eighteen hundred and sixty-eight.

Proceedings on payment of claims against the board of education, and duties of secretary of said board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all drafts or warrants for the payment of bills and claims for school purposes which have been approved and ordered paid by the board of education, shall be issued by the secretary of the said board, be signed by him and the president of the board, and placed in the office of the city auditor, accompanied by the vouchers therefor; and the said auditor shall countersign said warrants and deliver them to the person or persons to whom the same may be made payable, and keep a record thereof as prescribed for other accounts of the city, and no draft or warrant shall be paid by the city treasurer, unless so countersigned; and it shall be the duty of the secretary of the

board of education, at the end of each quarter, to deposit in the office of the said auditor a report of the amounts due to the several teachers of the public schools for which warrants are issued, and the said auditor shall take a proper receipt from all persons receiving warrants on account of public schools in a book prepared for that purpose.

2. *And be it enacted*, That section four of the act to which this is amendatory be, and the same is hereby repealed. Repealer.

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

Approved February 6, 1869.

CHAPTER XII.

An Act to incorporate the Vineland Agricultural and Horticultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That Philip Snyder, C. P. Lord, S. P. York, Doctor John Ingram, J. W. Merrifield, E. C. Wells, Q. Wright, C. B. Campbell, J. C. Parsons, W. T. Young, W. A. Simmons, and such other persons as now are or may become members of the society hereby incorporated, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Vineland Agricultural and Horticultural Society," and by that name they and their successors shall have perpetual succession, with power to have, use and adopt a common seal, and to alter and change the same at any time; to sue and be sued, to defend and be defended, in all courts of law and equity, and the said society shall be capable of purchasing, holding and leasing, selling, conveying or receiving, by donation, devise or bequest, any lands, tenements, or personal estate whatsoever, and to raise loans upon the same by mortgage or otherwise; and that the office of said company shall be in the county of Cumberland. Corporators. Name. General powers.

2. *And be it enacted*, That the object of this society shall Objects.

be to increase and disseminate knowledge on all subjects connected with agriculture and horticulture, and to encourage a practical application of it by lectures, discussions, exhibitions, and in such other ways as the society shall deem proper.

Special powers.

3. *And be it enacted*, That the said corporation shall have power to make and establish from time to time, such constitution, by-laws, rules and regulations as they shall judge proper for the admission and expulsion of its members, for the election, time of service and duties of its officers, and for the collection of admission fees, fines or assessments from the members thereof.

Officers.

4. *And be it enacted*, That the officers of said society shall consist of a president, vice president, recording secretary, corresponding secretary, treasurer, librarian and collector, and such other officers as said corporation or the members thereof may think proper from time to time to appoint; the said president, vice president and secretaries, treasurer, librarian and collector, and such other officers as may be for the time being, shall constitute a board of directors of said corporation, and shall hold their offices for one year, or until their successors shall be chosen in their stead.

Election of officers.

5. *And be it enacted*, That the officers of said society shall be elected at the annual meeting of said society, which shall be holden on the first regular day of meeting in January of each and every year hereafter.

Not dissolved for failure to elect directors

6. *And be it enacted*, That in case an election for officers shall not take place upon the day herein designated for that purpose, the corporation shall not for that cause be deemed dissolved, but the members of said society may proceed to hold an election on any other day, two weeks' previous notice of time and place of said election having first been published in a newspaper of said county.

Vacancies, how filled.

7. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of said officers, such vacancy shall be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them, who shall hold their offices until the next annual meeting, and until others shall be chosen in their places.

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

Approved February 6, 1869.

CHAPTER XIII.

A Supplement to an act entitled "An Act to incorporate the Masonic Hall Association of the City of Hudson," approved February thirteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Masonic Hall Association" are hereby authorized to increase their capital stock from fifteen thousand dollars, its present limit, to the sum of fifty thousand dollars in the whole. May increase capital stock.

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

Approved February 6, 1869.

CHAPTER XIV.

A further supplement to the act entitled "An Act to revise and amend the charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds of said city under their corporate seal and the signature of said mayor, for an amount not exceeding three hundred thousand dollars, to be designated as "street improvement bonds," bearing interest payable semi-annually, with coupons attached, at a rate not exceeding seven per centum per annum, and payable at such time or times as may be agreed upon by the common council, not exceeding five years from the date of the issue, pledging the credit and the whole property of the city for the payment of the same; and the said bonds may be re-issued from time to time as they become May issue "street improvement bonds."

Proviso.

due; *provided*, that the amount shall at no time exceed the aforesaid sum of three hundred thousand dollars; which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, upon such terms and conditions as the common council may prescribe; the interest on the said bonds shall be paid from the annual appropriation for interest by tax ordinance.

May issue "sewer bonds."

2. *And be it enacted*, That it shall be lawful for the aforesaid mayor and common council of the city of Newark to issue bonds of the said city under the corporate seal and the signature of the mayor, for an amount not exceeding two hundred thousand dollars, to be designated as "sewer bonds," bearing interest payable semi-annually, with coupons attached, at a rate not exceeding seven per centum per annum, payable at such time or times as the common council may direct, not exceeding ten years from the date of the issue, pledging the credit and the whole property of the city for the payment of the same, which the said mayor and common council may sell at public or private sale, upon such terms and conditions as the common council may prescribe, and shall provide by the annual tax ordinance for raising the sum of twenty-five thousand dollars annually, the balance of which, after paying the interest on said sewer bonds, shall constitute a sinking fund for the redemption of the same; and the said amount of twenty-five thousand dollars shall be placed to the credit of the commissioners of the sinking fund of the city of Newark, established by act of the legislature, approved March sixteenth, eighteen hundred and fifty-nine; who shall pay the interest on said bonds, and with the residue may redeem and cancel any of the said bonds; and the said mayor and common council may issue other bonds equal to the amount so cancelled; *provided*, that at no time the amount so issued shall exceed the sum of two hundred thousand dollars.

Shall provide for a sinking fund.

Proviso.

3. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act to which this is a supplement, shall be held to be applicable or in any wise to affect this act, but this act shall be and remain as effectual to all intents and purposes as if said sections had not been enacted.

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

Approved February 6, 1869.

CHAPTER XV.

An Act to authorize the Board of Chosen Freeholders of the County of Monmouth, to raise money, issue bonds, and for other purposes.

May issue bonds to provide for indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Monmouth to provide for the indebtedness incurred or to be incurred by said board in raising money for the executing all the legal purposes, objects, business and affairs of said county as they or a major part of them shall deem adequate or proper, or which may have been heretofore raised for such purposes, or loaned of the surplus fund principal of said county for such purposes, by issuing bonds in the corporate name and under the corporate seal of said county, to be signed by the director of said board of chosen freeholders and attested by the clerk thereof, for an amount not exceeding in the aggregate the sum of seventy-eight thousand dollars, and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding twelve years from the date of the approval of this act, and bearing interest at the rate of seven per centum per annum; and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders and their successors shall have power to sell or assign said bonds for any sum not less than the par value thereof.

Shall provide for their payment by taxation.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon as the same shall from time to time become due and payable, by taxation, to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected.

How proceeds of bonds shall be applied.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act, shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid, and in the legal purposes, objects and affairs of said county as the said board or a major part of them shall deem adequate or proper.

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

Approved February 6, 1869.

CHAPTER XVI.

An Act to authorize the Board of Chosen Freeholders of the County of Mercer to borrow money and issue bonds therefor.

Preamble.

WHEREAS, the expenditures and liabilities of the county of Mercer for the two years last past have been unusually large in consequence of the erection of a county jail and several large and costly bridges; and whereas, said expenditures were not all anticipated by the board of chosen freeholders of said county at the time of making their estimate of the amount of money necessary to be raised by taxation in each of said two years, whereby a large indebtedness has necessarily been incurred; therefore,

May issue bonds to provide for indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Board of Chosen Freeholders of the County of Mercer" to provide for the payment of said indebtedness, and of any further indebtedness that may be incurred by said board during the present year in executing the legal purposes, objects, business and affairs of said county, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the director of said board and attested by their clerk, for an amount not exceeding in the aggregate the sum of seventy-five thousand dollars, and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding ten years from the date of the approval of this act, and bearing interest not to exceed seven per centum per annum, and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders, and their successors, shall have power to sell or assign said bonds in such a manner

as they shall deem most advantageous to the interests of said county; *provided*, said bonds shall not be disposed of for less than their par value. Proviso.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon, as the same shall from time to time become due and payable, by taxation, to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected. Shall provide for their payment by taxation.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid, and in the legal purposes, objects and affairs of said county, as the said board, or a major part of them, shall deem proper. How the proceeds of bonds shall be applied.

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

Approved February 9, 1869.

CHAPTER XVII.

A Further Supplement to an act entitled "A Supplement to 'An Act to incorporate the Board of Education of the city of Camden,'" approved February twentieth, anno domini eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Camden in determining the amount of tax to be raised for school purposes shall be authorized to fix the same at a rate not exceeding six mills in the dollar in any one year. Board of education may fix rate of tax for school purposes.

2. *And be it enacted*, That all acts inconsistent herewith, be and the same are hereby repealed. Repealer.

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

Approved February 9, 1869.

CHAPTER XVIII.

Supplement to an act entitled "An Act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine.

Corporation may issue bonds for extension of works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That the president and directors of the said company are hereby authorized and empowered for the purpose of enabling them to defray the costs and expenses that have been or may be incurred in the extension and furtherance of their said works, to issue in the corporate name and under the corporate seal of the said company, the bonds or obligations of the said company, to an amount not exceeding one hundred thousand dollars in addition to the amount which they are now authorized by law to issue, bearing an interest not exceeding seven per centum per annum, payable half yearly, each of which said bonds or obligations shall be signed by their president, and countersigned by their treasurer, and may be issued either with or without coupons or certificates of interest, due at the end of every six months, thereunto attached; and the said president and directors are hereby empowered to sell, dispose of, and negotiate the said bonds or obligations, at such times as the proceeds thereof may be required for the purpose of extending and furthering their said works, for such prices, on such terms and in such manner as they may deem proper; and the said president and directors are also hereby empowered to secure the payment of the said bonds or obligations, if deemed by them to be necessary, by executing a second mortgage upon all the lands and property of the said company, or any part thereof, and their rights and franchises, which said deed of mortgage shall be duly executed by their president under their corporate seal, to trustees therein named, in trust for the holders of said bonds or obligations of the said company, which may be issued from time to time, not exceeding in amount the sum herein above mentioned.

May secure payment by executing a second mortgage.

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

Approved February 9, 1869.

CHAPTER XIX.

An Act to incorporate the Stockton Hotel and Improvement Company, of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, W. J. Sewell, Frederick Fairthorne, George J. Richardson, John Fareira, Edward A. Warne and John C. Bullitt, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate in politic, in fact and in law, by the name of "The Stockton Hotel and Improvement Company," and by that name shall have power to lease, purchase, hold, sell, let or dispose of as they may see fit, any real estate in the county of Cape May, and to erect thereon, or on any part thereof, hotels and other buildings and improvements, and to mortgage said real estate, with the appurtenances or any part thereof, and upon selling the same to take mortgages upon all or any part of said real estate to secure part of the purchase money therefor, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, acquiring, holding, selling or mortgaging of said premises, real estate, hotels, buildings and improvements, or any part thereof, or otherwise controlling or disposing of the same. Corporators. Name and objects.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of one hundred and twenty-five thousand dollars, which capital stock shall be divided into shares of fifty dollars each, and said stock may be paid for in money or by the conveyance to the company of real and personal property, as may be agreed between the corporation and the subscribing stockholders, which capital stock shall be personal property and shall be transferable in such manner as the by-laws of said corporation shall direct; and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given in person or by proxy. Amount of capital stock.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to re- Commissioners to open books of subscription

ceive subscriptions to said capital stock at such places and time, in the city of Philadelphia, or in the state of New Jersey, as a majority of them may appoint, giving previous notice thereof in a newspaper published in said county for at least two weeks, and as soon as fifty thousand dollars of said capital is subscribed, the commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, giving notice thereof in a newspaper of said county of Cape May and in the city of Philadelphia, as said commissioners or a majority of them shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

Election of directors.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, and shall be six in number, who shall hold their offices until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors by death, resignation or otherwise, a majority of the remaining directors shall have the power to fill such vacancy, and any election or elections of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide; the president of said corporation shall be elected by the directors of said corporation, and shall hold his office for such time as the by-laws prescribe, and until a successor is appointed in his place.

General powers of the directors.

5. *And be it enacted*, That the property and affairs of said corporation shall be managed by its board of directors, a majority of whom shall be a quorum for the transaction of business; in addition to the powers conferred upon corporations by "An Act concerning corporations," said board shall prescribe the time and mode of payment of subscriptions to the capital stock, and to forfeit the stock of any stockholder for neglect to make such payment in the mode prescribed, to remove any of their officers or agents at pleasure; to increase by resolution (passed at any meeting called for that purpose) the capital stock of said corporation to any amount they may deem expedient, the entire stock not, however, to exceed the sum of five hundred thousand dollars, with power to dispose of the same as they or a majority of them may determine, said board of directors to exercise all the powers conferred upon said corporation by this act.

May issue bonds and secure the same by a mortgage

6. *And be it enacted*, That the said corporation by the action of its board of directors when they deem it necessary,

for the purposes of the company shall have power to borrow money from time to time, and to make and deliver the bonds of the company executed as the directors may direct, bearing interest as therein or in coupons shall be expressed, not exceeding seven per centum per annum, the principal and interest payable at such times and places in or out of this state, and in such manner as they may direct, the total amount of the bonds not to exceed three hundred thousand dollars, and they may secure the same by a mortgage or mortgages of the company, which shall be and remain a lien for the amount secured thereby, on any property real or personal, and upon the chartered or other rights of the company therein and thereby mortgaged, until the same be paid; and the registry thereof in the county of Cape May shall be notice to all parties interested, and the same shall be recorded by said clerk in the record of mortgages in his office; and it shall be lawful for said directors, and they are hereby authorized to negotiate, sell or dispose of any of the bonds or obligations of the company at public or private sale, at a rate to be fixed by the said board of directors at a meeting called for that purpose.

Meetings of stockholders.

7. *And be it enacted*, That meetings of stockholders and of the board of directors, shall be held at such times and places in the state of New Jersey, or in the city of Philadelphia, as the board of directors may designate, notices of such meetings to be published in a newspaper published in the city of Philadelphia and in the said county of Cape May.

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

Approved February 9, 1869.

CHAPTER XX.

An Act to incorporate the New Brunswick Chemical Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Morris B. Manwaring, Robert

D. W. Birch, William G. Parsons, Cambridge Livingston and Robert C. Livingston, or a majority of them, their associates and assigns, are hereby created a body corporate, with power of succession, to make by-laws and all other powers incident or appurtenant to a body corporate by the common law or statutes of New Jersey, under the name of "The New Brunswick Chemical Company," until the first day of January, in the year nineteen hundred.

Name.

General powers.

2. *And be it enacted*, That said company shall have power to purchase and procure all material deemed necessary or proper, and manufacture the same into chemical products, and to sell or otherwise dispose of the same; they shall have power to purchase or procure such machinery, apparatus, implements, inventions, and other personal property as may be deemed necessary and suitable for their use as aforesaid, and also such real estate as they may require for their use and benefit, with power to dispose of the same.

Amount of capital stock.

3. *And be it enacted*, That the capital of the company shall not be less than ten thousand dollars, nor more than two hundred and fifty thousand dollars; it may be increased or diminished within those limits from time to time, by authority of a stockholders' meeting, at which a majority of the stock shall be represented.

May issue bonds and purchase and hold real estate.

4. *And be it enacted*, That said company shall have power to borrow money, and issue bonds or obligations therefor, with or without mortgage, at such terms and rates as may be thought best by the directors; and may also purchase real estate or other property to be used in their business, and issue stock for the payment thereof, with the consent of a majority of the stock issued.

Directors, how elected, and their powers.

5. *And be it enacted*, That the board of directors shall consist of not less than five nor more than nine stockholders, as the by-laws may from time to time provide; they shall have the management and control of the business and affairs of the company, subject to such regulations as the stockholders shall from time to time prescribe; they shall be elected annually, but in default of an annual election they shall hold office until their successors are chosen; the board may fill any vacancies that may occur in their own number during the year; they shall elect a president from their own number, and such other officers as the by-laws may determine.

Annual meetings.

6. *And be it enacted*, That the annual meetings of the stockholders may be held at such time and place as the by-

laws may determine; a majority of the above named corporators may meet as soon after the approval of this act as may be convenient, in the city of New Brunswick, notice in writing of such meeting and its time and place having been duly served on each of said corporators at least one week previous to the day of such meeting; they shall then provide for receiving subscriptions to the capital stock, and may organize and elect a board of directors and officers and other preliminary business; but shall not proceed to manufacture until ten thousand dollars of cash capital shall be paid into the treasury.

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

Approved February 9, 1869.

CHAPTER XXI.

An Act to authorize and empower the Consistory of the Reformed Church of Acquackanonk, in the County of Passaic, and State of New Jersey, to assess the pews of the said Church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consistory of the Reformed Church of Acquackanonk, be and they are hereby authorized and empowered to make assessments on the pews of said church from time to time, for the purpose of raising money for the salary of the minister, the current expenses of the church, and the support of the gospel, with power to collect the same; *provided, however*, that such assessments shall not exceed the sum of twenty-five hundred dollars a year. Consistory may make pew assessments. Proviso.

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

Approved February 9, 1869.

CHAPTER XXII.

An Act to change the name of the Mead Rubber Company to the Star Rubber Company.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act incorporating the "Mead Rubber Company," approved March thirtieth, eighteen hundred and sixty-five, be and the same is hereby amended by striking out the word "Mead" wherever it appears in the said act and inserting in lieu thereof the word "Star," thereby changing the name of the said "Mead Rubber Company" to the "Star Rubber Company;" and that the said Star Rubber Company is hereby invested with all the rights and privileges heretofore enuring to the Mead Rubber Company by virtue of the act of incorporation aforesaid.

Approved February 9, 1869.

CHAPTER XXIII.

An Act to validate and confirm a certain lease and contract, by which the Morris and Essex Railroad Company lease their roads to the Delaware, Lackawanna and Western Railroad Company, a corporation of the State of Pennsylvania.

Preamble.

WHEREAS, the Morris and Essex Railroad Company has made and executed a certain lease and contract unto and with the Delaware, Lackawanna and Western Railroad Company, a corporation existing by and under the laws of the state of Pennsylvania, bearing date the tenth day of December, eighteen hundred and sixty-eight, by which lease and contract the railroads, property and franchises of the said, the Morris and Essex Railroad Company have been demised

and leased unto the said, the Delaware, Lackawanna and Western Railroad Company, upon certain terms, conditions and rents, in said lease and contract set forth; and whereas, it is deemed advisable and proper that the said lease and contract should be validated and confirmed; therefore,

Validating and confirming lease and contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said lease and contract, and all the provisions, conditions, covenants and agreements therein contained, be and they are hereby validated and confirmed in all things, and said companies are hereby fully authorized and empowered, respectively, to carry out and perform the said lease according to the terms, conditions and stipulations thereof; and the said, the Delaware, Lackawanna and Western Railroad Company is authorized and empowered to have, hold, use, enjoy, possess, and exercise all and singular the property, things, franchises, immunities, rights, powers and privileges by said lease and contract granted, leased, or demised to them; and to work said railroad and all its branches, to construct and use the branches and tracks in said lease and contract agreed to be built, in the manner and upon the conditions, in all respects, and not otherwise, as authorized, directed and imposed in and by the act of incorporation of the said the Morris and Essex Railroad Company, and the supplements thereto, and generally to do all things by said lease and contract agreed by them to be done, as far as legal authority is necessary to them therefor; and it shall be lawful for the said corporations, and each of them, to make, execute and deliver to each other any other contracts, or legal instruments, necessary or advisable the more effectually to carry out the general intent of said lease and contract; and the said the Delaware, Lackawanna and Western Railroad Company, by reason of the said lease, shall be, and it is hereby declared liable for all claims, debts, damages and penalties incurred in, or arising from the operating of said railroad or branches, and carrying freight and passengers on the same, as fully as the said the Morris and Essex Railroad Company is now liable by the laws of this state; and the said the Delaware, Lackawanna and Western Railroad Company is, and is hereby declared liable to do and perform all acts and things which the said the Morris and Essex Railroad Company, as owners of the property and franchises demised by said lease and contract, would be bound, by law, to do and perform, had the said lease and contract not been made and confirmed;

Rights conferred on Delaware and Western Railroad Company by said lease.

Liability of the above company under said lease.

Proviso. *provided*, that nothing contained in this act shall prevent the legislature from having the same control and authority over the property and franchises leased as aforesaid that they now have over the Morris and Essex Railroad Company.

Repealer. 2. *And be it enacted*, That the act entitled "A further supplement to the act entitled an act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five, which act was approved February fifteenth, eighteen hundred and sixty-six, be and the same is hereby repealed.

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

Approved February 9, 1869.

CHAPTER XXIV.

An Act to authorize the Trustees of the Methodist Episcopal Church of Godwinville, to mortgage certain real estate.

Trustees may mortgage property held in trust by them for church purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Godwinville, or their successors in office be, and hereby are authorized and empowered to mortgage all the real estate and appurtenances, situate in Godwinville, in the county of Bergen, now held by them in trust as the property, or for the use and benefit of the said society of the Methodist Episcopal Church of Godwinville, or which is the property of said society by virtue of any deed or deeds whatsoever, bearing date prior to January, anno domini, eighteen hundred and sixty-eight, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of mortgage therefor to the mortgagee or mortgagees of the same, and that all and every such deed or deeds of mortgage shall be good and effectual in law.

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

Approved February 10, 1869.

CHAPTER XXV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the City of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election in the city of New Brunswick for city officers prescribed by the sixth section of the act to which this is a supplement, and for the raising of money for the said city, shall be held on the second Tuesday after the first Monday in March next, and on the second Tuesday after the first Monday in March in each and every year thereafter. Time of charter election changed.

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

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

Approved February 10, 1869.

CHAPTER XXVI.

An Act to legalize the Charter Election held in and for the city of New Brunswick, on the tenth day of March, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election held in and for the city of New Brunswick, on the tenth day of March, in the year eighteen hundred and sixty-eight, for city officers and for voting and granting and raising money for the said city, is valid and binding on the inhabitants and taxable property of the said city. Legalizing charter election.

Making assessments valid and binding

2. *And be it enacted*, That the assessments made by the several assessors of the said city in their respective districts, in and for the year eighteen hundred and sixty-eight, are valid and binding on the persons and taxable property assessed, and the collector of arrearages of taxes of the said city shall be deemed and adjudged, in all courts and places, to be empowered to collect the sums so assessed in the manner prescribed relative to the collection of taxes, and that no assessment made as aforesaid shall be set aside or annulled by reason of the said election being held on the said tenth day, and not on the third, of March, in the year aforesaid, and that no suit or proceeding shall be commenced or prosecuted to set aside any assessment so made as aforesaid for the reason aforesaid.

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

Approved February 10, 1869.

CHAPTER XXVII.

A Supplement to the act entitled "An Act to incorporate the Ogden Iron Company."

May elect a president who is either a resident or non-resident of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act for which this is a supplement, as requires the president of said company to be a resident of this state, be and the same is hereby repealed; and that from and after the passage of this act it shall be lawful for the said Ogden Iron Company to elect its president in the manner prescribed in the act to which this is a supplement, from any of the stockholders of said company, whether they be residents or non-residents of this state.

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

Approved February 10, 1869.

CHAPTER XXVIII.

A supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors," approved April sixteenth, one thousand eight hundred and forty-six.

Practice in attachment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be necessary to call any defendant in attachment in open court, as heretofore practiced; and that in lieu thereof the plaintiff, or any person for him, may set up in the office of the clerk of the court whence the attachment issued such notice of the suit as the said clerk is now required to publish, and file with said clerk proof of the setting up of such notice, and thereupon the court may order the defendant's default to be recorded, and take all other proceedings in the cause as if the defendant had been called in the manner heretofore practiced.

Appointment of auditor.

2. *And be it enacted*, That the court out of which any writ of attachment shall issue, may appoint one person to be auditor, who shall possess all the powers and rights, and perform all the duties of the auditors now required by law to be appointed.

Writ of attachment a lien on lands from time of issuing the same, &c.

3. *And be it enacted*, That if for any cause the officer to whom such writ is directed shall fail, neglect or refuse to attach under such writ any lands of the defendant in his county, or if the defendant shall become seized of or entitled to any lands in such county after the return of such writ and before final judgment shall be entered in the suit, such writ shall be a lien thereon from the time of issuing the same, or from the time when the defendant becomes seized or entitled to such lands, as the case may be; and the court whence such writ shall issue, or a judge or justice thereof at chambers may order the clerk to amend the return to such writ by annexing thereto a short description of such lands, and may make all necessary rules and orders for the disposal and sale of such lands as if the same had been attached by the proper officer under said writ.

What the word "lands" includes.

4. *And be it enacted*, That the word lands in this act shall be construed to include tenements, hereditaments and real estate, and any interest therein.

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

Approved February 10, 1869.

CHAPTER XXIX.

An Act to incorporate the Passaic Rolling Mill Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Cooke, Watts Cooke, James Cooke, William Cooke and Levi Van Blarcom, and such other persons as may hereafter be associated with them, be and they hereby are created a body politic and corporate, in fact and in law, by and under the name of "The Passaic Rolling Mill Company," and by that name shall possess, enjoy and exercise all the powers and rights which corporations can possess, enjoy and exercise at common law, but shall confine those powers and rights to the purposes authorized by this act.

Name.

Object of corporation.

2. *And be it enacted*, That the said company may manufacture iron and steel and all machines and apparatus in which steel and iron, or either of them, form a material part, and to that end may buy, sell and dispose of their said manufactures and all goods and articles necessary and proper to be used in the business authorized by this act.

Location.

3. *And be it enacted*, That the said company shall locate their works and principal office in the city of Paterson, in this state.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, and may be increased to five hundred thousand dollars, and it shall be divided into shares of one hundred dollars each, and shall be personal property, and shall be transferable as the by-laws of the company shall direct, and that no transfer of stock shall be valid until the same is duly entered on the books of the company.

Commissioners to receive subscriptions to capital stock.

5. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital

stock, and as such shall open books of subscription in the city of Paterson, and elsewhere if they see fit, at such times and places as they may fix, giving ten days' previous notice in one or more of the newspapers of said city, of the time and place of opening such books, and in case more stock shall be subscribed than may be needed under this act, the said commissioners shall apportion the same ratably among the subscribers.

Organization of corporation.

6. *And be it enacted*, That a majority of said commissioners may perform all the acts which the commissioners are authorized to perform under this act; that when one hundred shares of said stock shall be subscribed for, and ten dollars on each share paid to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing said company; and when the company is organized by the election of a board of directors and a president thereof, the commissioners shall deliver to such president all books, papers, moneys and documents in their hands relating to said company.

Election of directors and other officers.

7. *And be it enacted*, That the business of the said company shall be managed by a board of directors to be chosen by ballot from the stockholders, and not less than five nor more than seven in number, a majority of whom shall be residents of New Jersey; that at every election each stockholder shall be entitled to one vote for every share of stock held by him, which vote may be cast in person or by an attorney in fact duly authorized; that the board may choose a president and such other officers, and appoint such agents and subordinates as the business of the company may require.

Election to be annual.

8. *And be it enacted*, That said board and their officers shall hold office for one year from the date of their election and until others are duly elected in their stead; that vacancies in the board may be filled by the board at any time, and that all elections for directors shall be held at such time and place in this state as the by-laws of the company shall appoint; and that if the board neglect to give notice of an election for directors, any four of the stockholders may call a meeting for such election, giving ten days' public notice of the time and place of holding the same in one or more newspapers printed in the city of Paterson; and a majority of the votes cast at such election shall elect the directors.

Powers and duties of the directors.

9. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the

company; to call in installments on the stock subscribed for in such amounts and at such times as they may direct, and also to declare forfeited to the company all shares upon which default in paying installments shall arise, and all previous payments thereon, and to sue for the money due upon such subscriptions, in the name of the company, upon a single count for money due and owing to them by the subscriber giving notice, with the declaration, of the particular matters upon which the suit is founded; but no installment shall be due until notice has been published for twenty days in one or more of the newspapers of said city, of the installment called for and of the time and place of paying the same.

May issue stock for personal or real property required by corporation.

10. *And be it enacted*, That the said company shall have power to issue stock for, or take in payment of subscriptions, any personal or real property required to be used for and in the conducting of the said business of the said company; and that no dividends shall be declared except out of the net profits of the company; and said company may issue stock in payment of any debt of said company.

Limitation.

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

Approved February 10, 1869.

CHAPTER XXX.

Supplement to an act entitled "An Act for the relief of School Districts Numbers Twelve, Thirteen, Seventeen and Eighteen, in the township of Morris, in the county of Morris," approved March sixteenth, eighteen hundred and fifty-four, and the supplement thereto, approved April fourth, eighteen hundred and sixty-seven.

Preamble.

WHEREAS, the said school districts numbers twelve, thirteen, seventeen and eighteen, by virtue of the said act were incorporated under the name of "The Morris School District," and are now erecting a new school building in said district for the accommodation of their schools, but the trustees

have not sufficient funds to complete said building and furnish the same fit for the use and accommodations of the schools; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees of the said school district to use the public school funds belonging to said district in the hands of the township collector of said township of Morris, for and towards the completion of said school building; and the township collector is hereby authorized and required to pay out said school money for said purpose on the order of the trustees of said school district, which order shall be a sufficient voucher to the township collector for such money. May use the public school funds for completion of school building.

2. *And be it enacted*, That it shall be lawful hereafter for the county collector, and he is hereby required to pay over the school moneys belonging to said district, whether received from the state appropriation or other sources, to the trustees of said district, and their receipt for the same shall be a sufficient voucher to the county collector for the same. County collector to pay over school moneys to the trustees of school district

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

Approved February 10, 1869.

CHAPTER XXXI.

An Act to incorporate the Mercer Pottery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Thompson, Joseph G. Brearley, Elias Cook, Edward W. Scudder, and Anderson L. Brearley, and their associates be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of the "Mercer Pottery Company," for the purpose of manufacturing, selling, and dealing in earthenware and crockery of various descriptions, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of thirty thousand dollars, to be Corporators. Name and object. Amount of capital stock.

divided into shares of one thousand dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

May purchase and hold real estate

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient, for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Directors, how elected, and their powers.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, John F. Thompson, Joseph G. Brearley, and Elias Cook, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Not dissolved by failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be

deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access, at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

Corporation may be dissolved.

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

Proviso.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved February 10, 1869.

CHAPTER XXXII.

A Supplement to an act entitled "An Act incorporating Homestead and Building Companies," approved February twenty-fifth, eighteen hundred and fifty-two.

May divide and partition lands among members.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for building and land associations, which have been or may be organized under the act to which this is a supplement, or of the supplements thereto, to divide or partition the lands by them owned, among the members of such associations by lot, in such way as to said associations shall seem most advantageous.

Deeds thus made declared valid.

2. *And be it enacted*, That all deeds of conveyance made or to be made by such associations to the members thereof, for lands so to be allotted, or which have hitherto been allotted, shall be and are hereby declared to be valid and sufficient in law to convey to the grantees therein named, such title and interest to said lands as said association had therein previous to such allotment.

Repealer.

3. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 10, 1869.

CHAPTER XXXIII.

An Act to incorporate the Sea View Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Cooper, Andrew K. Hay, John Lucas, George W. Carpenter, Samuel Richards, Robert M. Mitcheson and Samuel C. Smith, and all such persons as may be hereafter associated with them, their

successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Sea View Hotel Company," and by that name shall have power to lease, purchase, and hold real estate at or near Atlantic City, in the county of Atlantic, and state of New Jersey, and to erect and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public, and to mortgage said real estate with the appurtenances, or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding or mortgaging of said premises, or otherwise controling or disposing of the same.

May purchase, hold and mortgage real estate.

2. *And be it enacted*, That the said corporation shall have power to raise, by a subscription, a capital stock of fifty thousand dollars, with liberty to increase the same, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred thousand dollars, which capital stock shall be divided into shares of five hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given either in person or by proxy.

Amount of capital stock.

3. *And be it enacted*, That the directors shall be seven in number, and shall hold their offices until others are duly elected and qualified in their stead, and in case of a vacancy in the board of directors by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy, and any election or elections of directors, after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide.

Election of directors.

4. *And be it enacted*, That the whole amount of the debt which the said corporation shall at any one time owe, shall not exceed the amount of capital stock subscribed for.

Debt not to exceed capital stock.

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

Approved February 10, 1869.

CHAPTER XXXIV.

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

Penalty for destroying handbills and public notices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall hereafter wilfully or maliciously destroy, injure, deface or cover up any handbills or public notices that may be hereafter posted upon any fence, building, bulletin, or on any public place (after permission shall have been obtained from the owner, owners or lessee of said fences, buildings, bulletins or public places, by the parties posting or causing the same to be posted, to post the said handbills or public notices therein or thereon.) previous to the expiration of the time for which said handbills or public notices are intended to give notice of the time and place of sale, or of the time and place of meeting, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of ten dollars and costs, or imprisonment in the county jail not exceeding ten days, or both, at the discretion of the court.

Proceedings against offenders.

2. *And be it enacted*, That upon complaint being made before any justice of the peace or police justice in this state, by any person competent to testify according to law, such justice of the peace or police justice shall forthwith issue his warrant directed to any constable or police officer in this state having jurisdiction, for the arrest of such person or persons so offending, and upon the testimony of said complainant, or of any other person or persons in open court, establishing any of the offences as mentioned in the first section of this act, or upon the confession of the party or parties so arrested, the person or persons so offending shall be deemed guilty according to the meaning and intent of this act.

Disclaimer of construction.

3. *And be it enacted*, That nothing contained in the foregoing section of this act shall be so construed as to prevent any constable or police officer from arresting any person or persons found violating said act without first having obtained a warrant for such arrest.

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

Approved February 10, 1869.

CHAPTER XXXV.

An Act to incorporate the Atlantic City Passenger Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Elder, Joseph H. Borton, William G. Bartlett, Joseph A. Barstow, Horace Whiteman, David C. Spooner and Alexander H. Boardman, and such other persons as may hereafter be associated with them, their successors and assigns, may and are hereby created a body corporate and politic, in fact and in name, by the name of "The Atlantic City Passenger Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the object of this incorporation. Corporators. Name.

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

3. *And be it enacted*, That the affairs of the said company shall be managed by seven directors to be chosen by the stockholders of the said company, annually, at such time and in such manner as by the by-laws of the said company may be directed, who shall serve for one year, and until others shall be chosen in their stead; notice of which said election shall be previously given, for two weeks at least, in some newspaper published in the county of Atlantic; the said directors shall from time to time elect a president from their body, and shall also elect and employ such other officers as may be convenient and necessary. Directors, how chosen.

Books of subscription to be opened.

4. *And be it enacted*, That the books of subscription to said stock shall be open at such place or places as the directors shall designate, for any time not exceeding sixty days, under the direction of the board of directors, or such of them as may be designated for that purpose.

Duties and powers of directors.

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

May construct and maintain a railroad.

6. *And be it enacted*, That the said corporation shall have power and authority to construct, maintain and operate a line of railroad, commencing at or near a point known as Absecon Inlet; thence along some convenient street or streets to Massachusetts avenue; thence along Massachusetts avenue (with the privilege of connecting said railroad with the Camden and Atlantic railroad, at or near Massachusetts and Atlantic avenues, after first obtaining permission from the said Camden and Atlantic Railroad Company, to make the desired connection,) to Pacific avenue; thence along Pacific avenue to a point at or near Missouri avenue, with all necessary turnouts, &c., with the privilege of extending the same to Great Egg Harbor Inlet; *provided*, the said railroad shall not be constructed through any of the streets without the consent of the common council of the city of Atlantic being first had and obtained by an ordinance of said city council.

Proviso.

Dividends.

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

May borrow money and secure the same by mortgage.

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

or otherwise not exceeding the sum of twenty-five thousand dollars on said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

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

Approved February 10, 1869.

CHAPTER XXXVI.

An Act to incorporate the German Mutual Benefit Society, known as "The Kranken-Unterstuetzungs-Verein, of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Herche, John Beck, Peter Herrman, A. F. Schlegel, Phillip Moschel, Christian Heiss, Frederic Schuhman, Christian Moschel, and such other persons as now are or hereafter shall become members of "The Kranken-Unterstuetzungs-Verein, of Jersey City," are hereby constituted a body politic and corporate, by the name aforesaid. Corporators. Name.

2. *And be it enacted*, That the object of this society shall be to provide for sick members, or their widows and orphans. Object.

3. *And be it enacted*, That said corporation shall have power to pass by-laws regulating the admission and expulsion of its members, and for the election, time of service and duties of its officers.

4. *And be it enacted*, That said corporation may purchase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars. May purchase and hold real and personal estate.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February the fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto. General powers.

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

Approved February 10, 1869.

CHAPTER XXXVII.

An Act to amend the charter of the Moorestown Fire Department, passed February fifth, eighteen hundred and fifty-eight.

Boundaries of fire department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the owners of dwelling houses and other buildings, and all occupants thereof, and all holders of movable property of any kind, liable to injury by fire, situate in the village of Moorestown, in the county of Burlington, and in its vicinity, within one-half of a mile from any point of that part of the road leading from Mount Holly to Haddonfield, included between the commencing point of the road leading from North Bend to the Bridgeborough road, and the Elbow Lane road, be and are hereby created and declared to be a body politic and corporate, under the name and style of "The Moorestown Fire Department."

Amount of capital stock, and how applied.

2. *And be it enacted*, That the capital stock of said association, vested in real and personal estate, shall not in the aggregate exceed the sum of six thousand dollars, and shall be solely and exclusively applied to procuring, maintaining and repairing such engines, engine houses, hose, ladders, buckets, fire hooks, wells, pumps, reservoirs of water, and other implements and machines, together with houses for storage and preserving all such fire apparatus, and to such other incidental expenses as shall, in the opinion of the board of managers hereinafter named, be best calculated to secure said town and vicinity from fire.

How amount of capital stock shall be determined.

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

4. *And be it enacted*, That the members of this association, for the purpose of organizing the same, shall assemble as soon as convenient after the passage of this act, upon two weeks notice of the time and place (within the district) and the object of said meeting, said notice to be given by any three freeholders, residents of said district, and set up in five or more public places in said district; and the said members so assembled, shall, at the first and each succeeding annual meeting elect by ballot or viva voce, by plurality of votes and not otherwise, a president, a secretary, a treasurer, and three managers, who shall together constitute a board of managers, and as many persons for assessors as shall be determined on by said meeting, and also three persons who shall together constitute a board of appeals, who shall hold their respective offices until the time of the next annual meeting, which time shall be permanently fixed by the meeting; and the members of this meeting then and there assembled, shall also determine by plurality of votes, what amount of money shall be raised by assessment for the use of the corporation during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as remuneration for services by any officer, except as in hereinafter provided, unless the by-law or resolution under which such appropriation is made be first submitted to, and approved by a majority of the members of the corporation present at their annual meeting, and it shall be the duty of the board of managers to require and take from the treasurer, before he enters upon the duties of his office, security in an amount double the sum voted to be raised by tax and loan or loans the current year.

First annual meeting of association.

Officers.

Proviso

5. *And be it enacted*, That the active power of this corporation shall be vested in said board of managers, and that they shall take charge of and keep in repair the property of said corporation, and shall have power to fill all vacancies in their own body, or in any office under this corporation, until the next annual meeting; they shall give notice of each annual meeting, also the sum of money which they may deem it expedient to raise for the expenses of the ensuing year, and of the purposes to which the same is intended to be applied, not less than five nor more than fourteen days before said meeting, by handbills posted up in five of the most public places within the limits aforesaid; and the said board of man-

Power of corporation vested in board of managers.

agers, when so authorized by resolution adopted by a majority of the voters at any annual or special meeting of said association, and entered upon its minutes, shall have power to borrow, for the use of said association, such amount of money as shall be so voted; and the said association shall provide for the payment of the same, by tax, in such amount yearly and every year, as shall be determined upon by the association, until the same is fully paid; and any promissory note or notes, bond or bonds, or other instruments of writing, under the common seal of said association, and of the signature of the president, secretary and treasurer of said association, shall be valid and bind the association in all the taxable property within its limits, as set forth in section first, for the payment thereof.

Special powers.

Assessor shall make return of buildings and property, and names of owner or occupants and assessment levied on each

6. *And be it enacted*, That within thirty days after the annual meeting, the assessor or assessors shall make and return to the board of managers a correct list of all buildings and other property, as specified in section first, with the value thereof, and the names of both the owners and occupants of such buildings and other property as aforesaid, of the equitable proportion, to be levied on such property, of the sum voted to be raised by the corporation, making just allowance for the various degrees of hazard and liabilities to injury by fire to which such buildings and other property may be exposed, as well as for the distance from the thickly settled portions of the district; property situated so remote from the village as not to be benefitted by the wells, reservoirs or pumps, shall not be taxed therefor.

Duties of treasurer as to tax assessed.

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

Meeting of board of appeals.

8. *And be it enacted*, That within twenty days after the return of said assessment as aforesaid, the board of appeals shall sit in such place and at such times in the village of Moorestown, as the treasurer shall appoint, of which time and place notice shall be given by the treasurer on the aforesaid tickets, and the said board of appeal when so convened,

shall hear and determine as they shall deem equitable and right, the complaints of all persons who may feel aggrieved by the assessment so made as aforesaid.

Proceedings after appeal has been determined.

9. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice, by handbills posted up in five of the most public places in said limits, that if the taxes so assessed are not paid within thirty days from the time of the meeting of the said board of appeals, that the names of the delinquents will be returned to a justice of the peace for collection; and in case of non-resident members, the tenants in possession shall, in the same manner as the owners, be liable for, and they are hereby required to pay the taxes assessed upon the property occupied by them, and they are hereby authorized to deduct or reserve the amount of such payment from the rent which they may have contracted to pay to the owner of said property; and in case of non-occupancy of any buildings, the assessment shall remain as a lien upon it, and the future occupant shall be liable for all arrearages of assessments upon said property.

Further proceedings in case of non-payment.

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

Further proceedings.

11. *And be it enacted*, That the justice of the peace before whom such return shall be made, within five days after the receipt of said list of delinquents, shall deliver to some constable of the county a warrant to levy the taxes so in arrears, with costs, and the said justice and constable shall proceed in like manner, and under like penalties and liabilities, to levy the tax so in arrears, as is directed in the acts concerning taxes, now in force in the state of New Jersey; and the said justice and constable shall be entitled to like fees as for like services under said acts concerning taxes; *provided*, that the taxes so levied and collected shall be paid to the treasurer of the corporation; and if in the opinion of the board of managers the interest of the corporation would be promoted

Proviso.

thereby, it shall be lawful for said board to require the constable to whom said warrant is delivered to give bond in such amount, and with such security as said board shall direct and approve.

No person to vote or hold office unless a member of the corporation.

12. *And be it enacted*, That no person shall be qualified to vote or hold office by virtue of this act who is not a member of the corporation hereby created; and if any person shall vote at any annual or special meeting who is not a member, shall be subject to a fine of five dollars, to be recovered with costs, before any justice of the peace of the county of Burlington, in the name and for the use of the corporation; Proviso. *provided*, that any body politic or corporate, being a member of this corporation, may vote through its presiding officer, whether he be a member of this corporation or not.

Power to raise a company of firemen.

13. *And be it enacted*, That the said corporation shall have power to raise and organize, from among its members and other persons residing within said district, one company of firemen, not exceeding thirty members, for each and every fire engine that is or may be within said limits.

May make by-laws and enforce the same

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

Penalties.

15. *And be it enacted*, That any person who shall maliciously create, or knowingly continue any false alarm of fire within said limits, shall, on due proof thereof before any justice of the peace of said county, be subject to be punished by fine in any sum not exceeding ten dollars, or by imprisonment in the county jail not exceeding five days; and that any person or persons who shall in any manner wilfully injure, deface or destroy any building, engine, pump, ladder or other property of this corporation, on due proof thereof in manner aforesaid, shall be punished by a fine not exceeding twenty dollars, and shall also pay double the amount of the cost of repairing said damages or injury, or be subject to imprisonment in the county jail for any length of time not exceeding three months; and that all fines and other moneys

recovered under this section shall go, the one-half to the informer, and one-half to the treasurer for the use of the corporation.

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

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

Approved February 10, 1869.

CHAPTER XXXVIII.

An Act to incorporate the Waterloo Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James F. Martin, Hiram M. Rhodes, Thomas Tretherway, John Morrison, and Peter T. Northrup and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Waterloo Mining Company," for the purpose of mining and selling iron ores and other minerals, and smelting, manufacturing and selling the same, and carrying on the business incident thereto; the capital stock of said company shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and it shall be lawful for said company to give certificates of stock in part or full payment of any personal or real estate, mines or mining rights, hired, leased or purchased by them for mining purposes. Corporators. Name and object. Amount of capital stock.

2. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of such corporation, at such time and place within this state as they may deem proper, giving at least one week's notice thereof in some newspaper published in this state, and that as soon as fifty thousand dollars are subscribed and paid, or satisfactorily secured to be paid, the said above named persons or a majority of them, shall by like notice call the first meeting of the Commissioners to open books of subscription.

stockholders for the purpose of organizing the company and electing directors; upon the election of such directors, the powers of said commissioners shall cease.

Directors.

3. *And be it enacted*, That said directors shall consist of seven persons, whose term of office shall be one year and until their successors are elected, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, and a majority of whom shall be residents of this state; the number of said directors may be increased or diminished at any annual meeting, by a vote of three-fourths of the stock represented at such meeting; vacancies in the board may at any time be filled by a vote of a majority of the whole number of remaining directors; the annual meeting for the election of directors, shall be, after eighteen hundred and sixty-nine, at Waterloo, in the county of Sussex.

May purchase and hold mines and mining rights.

4. *And be it enacted*, That the said company may lease, purchase and hold such mines and mining rights, real and personal property, as may be considered necessary for the due prosecution of its business, and may sell, lease or mortgage the same, or any portion thereof, and may borrow money and issue their bonds therefor, to an amount not exceeding one-half their paid up capital stock.

Stock may be forfeited on failure to pay assessments on capital stock.

5. *And be it enacted*, That the board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, or any assessment thereon, and in case of failure in the payment thereof, said board, upon giving four weeks' notice of their intention in one newspaper published in Warren county, one newspaper published in Sussex county, and one newspaper published in Morris county, or by serving said notice personally for the same time upon the delinquents, may declare forfeited the stock and all previous payments thereon of those who shall not have paid their assessments in full at the time limited in such notice for such payments, whereupon all such stock and previous payments thereon, and all right to the same shall thereby become forfeited and belong to said corporation.

General powers.

6. *And be it enacted*, That the corporation shall possess all the powers and be subject to all the restrictions set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the

supplements thereto, so far as the same are applicable, and this act shall take effect immediately.

Approved February 10, 1869.

CHAPTER XXXIX.

An Act to widen a road in Union county.

Road may be widened.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the roads heretofore laid out sixty-six feet in width from Wood avenue in Linden, Union county, running thence in a southwesterly direction past the residence of Ferdinand Blanke and across the Forty Acre road near the westerly side of the new school house in Linden; thence on to the easterly boundary line of the city of Rahway, and from thence about twenty-four feet in width to Linden avenue in said city, be widened to sixty-six feet in width from said Linden avenue to said city line, so as to make said road one continuous avenue of uniform width.

2, *And be it enacted*, That an equal number of feet of land in width shall be taken from the land adjoining on each side of said road as it now lies, which may be necessary to make it the required width.

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

Approved February 10, 1869.

CHAPTER XL.

An Act to incorporate the East Brunswick and New Brunswick Turnpike Company.

Commissioners to receive subscriptions

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the East Brunswick and New Brunswick Turnpike Company shall be opened by J. Biddle Herbert, A. J. Disbrow, Charles A. Tanner, Daniel McLaury, and Charles M. Herbert, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Middlesex.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and title of the "East Brunswick and New Brunswick Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this law into effect.

Name of corporation.

Capital stock how paid in, and forfeited for non payment.

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

4. *And be it enacted*, That if the number of shares herein- Limitation.
before made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said subscription books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

5. *And be it enacted*, That when the one hundred and fifty Directors, and how elected.
shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meetings, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot three directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges, and at the expiration of that term, and annually thereafter, upon like notice being given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy.

6. *And be it enacted*, That within twenty days after the President.
election aforesaid, the directors shall elect from their number a president of said company, who shall hold his office for one year and until another shall be elected, and shall be the presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or absence or inability so to do, the directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority and perform all the duties herein prescribed.

7. *And be it enacted*, That the said directors, or a majority Powers of directors.
of them, may supply any vacancy occurring in the interval between the annual elections by death, resignation, removal or refusal to act of any president or director, and may ap-

point a treasurer, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective duties or trusts, as they may think expedient they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient, to regulate the transfer of stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and the laws of this state or of the United States.

Proviso.

Annual statement.

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

Special meetings of stockholders.

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

Failure to elect not to dissolve.

10. *And be it enacted*, That if, from any cause, any election hereinbefore named, shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others are elected in their stead; and that this charter shall not be defeated nor avoided by reason of irregularity, or want of such election.

May construct and make a turnpike.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Old Bridge, in Middlesex county, to New Brunswick, in said county, beginning in the public road at Old Bridge near the hotel kept by L. W. Spencer, and thence following on or near

the route of the said public road, and ending at the bridge at Weston's mills, which said turnpike road shall not be less than thirty-two feet nor more than fifty feet in width, excepting the cut through the hill near Old Bridge, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road; the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained at the sides, so as to prevent horses and carriages from running off; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike road; and in case said owners and said company cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by taking of stone or gravel, sand or clay, or other material, from his lands, for the construction or maintaining of said turnpike road. Proviso.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts and wagons or other carriages, and with beasts of burden and draft, and all necessary materials and tools, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereby as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and under drains across and through such lands necessary for properly draining the said road; and that when said company or its agents cannot agree with the owner or owners of said land or materials for the purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of May enter on lands, &c.

Proceedings when company and owners cannot agree.

the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Middlesex, who shall cause the said company to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state, to make publication thereof, as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land and materials, and to assess the damages, upon such notice to the persons interested, as shall be directed by the judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the place and time appointed, and to view and examine the lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such land or materials and damages aforesaid, and to make report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Middlesex, to remain on record therein, and shall be recorded by the said clerk, which report, or a copy of it, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, after the payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if

they shall neglect or refuse to pay the same for twenty days after demand being made of their treasurer, and shall constitute a lien upon the property of the company in a nature of a mortgage; and the said judge shall tax and allow such costs, fees and expenses to the judge, clerk, commissioners and other persons, performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

May demand and receive tolls.

13. *And be it enacted*, That as soon as the said company shall have constructed in a workmanlike manner the said road according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile and all fractions over half a mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast, one and one-half cents;
For every additional beast, one and one-half cents;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep or hogs, two cents;
For every dozen horses mules or cattle, four cents;

and it shall be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified.

May erect mile stones and put up rates of toll.

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

Penalty for injuring mile stones or posts and for forcibly passing toll-gates.

15. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any of the gates, turnpikes,

railings, fenders or bridges that shall be erected pursuant to this act, or shall forcibly pass the gates or turnpikes without paying the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn out of said road to pass a gate or gates, and enter again on said road, or shall make any misrepresentation as to the distance traveled on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five dollars for passing through said gate, to be recovered by the said company for the use thereof, in an action of debt with costs of suit.

Penalty for hindering travel.

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

Penalty for neglecting to turn to the right.

17. *And be it enacted*, That all the drivers of carriages, sleighs or sleds of every kind and description, whether of burden or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the said road free and clear for other carriages, sleighs or persons on horseback to pass; and if any person should offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road is not kept in repair.

18. *And be it enacted*, That if the said company should not keep the said road, bridges, rails and fenders in repair, and complaint thereof shall be made to any judge of the court of common pleas wherein the same shall be situate, he shall immediately appoint, by writing, three disinterested freeholders of the county as aforesaid, who shall view said road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires

it to be kept; and if the report be unfavorable to the said road the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall for such offence forfeit and pay the sum of ten dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons appointed, or a majority of them, on application of the said company, again to view the said road, rails, fenders or bridges, and report as aforesaid to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut and the toll collected as before, and the same fees shall be allowed and paid as before directed; but if, on the first view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When lawful to erect a toll-gate.

19. *And be it enacted*, That whenever the said company shall have completed one mile of said road according to directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said road and demand and receive toll for traveling thereon, agreeably to the foregoing rules.

Limitation.

20. *And be it enacted*, That if the said road be not commenced within three years and completed within six years from the passage of this act, that then and in that case this act shall be void.

May use public road with consent of majority of land owners.

21. *And be it enacted*, That the said corporation may use any portion or the whole of the public road on the route above named, by and with the consent of a majority of all the land owners adjoining the public road or parts thereof, so taken on the route of said road; and if the consent of the said majority is refused, then, and in that case, such road or roads shall be first vacated according to law.

May construct a branch road.

22. *And be it enacted*, That the said company may construct and make a branch from the said turnpike road, begin-

ning at some point in the said turnpike road between Hardersberg Corner and the northeast corner of the farm, late Benjamin Ballard's, and running thence northwesterly to Lawrence's brook, at or below Ryder's bridge, to be constructed in the same manner as the aforesaid road.

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

Approved February 10, 1869.

CHAPTER XLI.

An Act to incorporate the Dime Savings Bank of the City of Hudson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Wilson, William H. Wood, John Roemmelt, Alexander H. Laidlaw, William A. Weeks, Charles J. Roe, Samuel C. Nelson, Patrick J. Mehan, Charles F. Staples, Dennis Yoe, Perry T. Cumberson, Andrew Leight, Edwin R. V. Wright, George Smith, Arena Steenken, John D. Waugh, William Benjamin, John S. Edwards, Charles Hesse, George J. Elwood, William Clarkson, Jacob J. Naskirk, Christian Weber, James Montgomery, Jr., Joseph J. Johnson, George Glaubrecht, Henry Gæde, Alexander Frank, Frederick A. Goetze, Theodore Tasheira, James R. Tate, Daniel Lake, Raoul T. Bene, John Hague, William Sinclair, and their successors, shall be and are hereby constituted a body corporate and politic, by the name

Name.

of the "Dime Savings Bank" of the city of Hudson, and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods and chattels or personal estate which shall be necessary for the purposes herein mentioned; and of selling, leasing, or otherwise disposing of the said real and personal estate or any part at their will and

Proviso.

pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profit that

may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars.

2. *And be it enacted*, That the said institution shall be conducted by seven managers, elected by ballot from among the number of the above named incorporators, four of whom shall be a quorum to transact business, and at least three shall be residents of the city of Hudson, and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually on the first Monday in April, and choose one of their number as president, they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year or until others are appointed, and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office in such sum or sums and such securities as may be directed by the board of managers. Election of managers.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish, such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to the alteration. Powers of board of managers. Proviso.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe; which shall be invested accordingly, and shall be repaid to the depositors at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe, and the said institution may accept and May receive deposits.

execute all such trusts, of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

May regulate rate of interest

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; Proviso. *provided*, that said rates of interest may at the discretion of the managers be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Compensation to whom allowed.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation, nor shall the said institution issue any notes or bills, nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of moneys.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, Ohio, or in stocks or bonds of the cities of Hudson, Hoboken, Bergen City, Jersey City, Newark, New Brunswick, and bonds of the counties of Hudson, Middlesex, Union, Bergen, Essex, in this state, or the cities of New York or Brooklyn, in the state of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested, nor in stocks or bonds of any incorporated company whatever.

8. *And be it enacted*, That all certificates of evidence of

deposit made under the hand of the proper officers of the institution, shall be as binding as if the same were made under their common seal. Certificates of deposit binding.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband nor liable for his debts, nor shall money deposited by single women be subject in case of marriage, to the use or control nor liable for the debts of the future husband. Minors may make deposits and receive moneys. Proviso.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom in the event of his or her death the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of the said institution. Depositor may appoint a person to receive moneys.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional part of a month. Limitation of deposits.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made. Deposits to be entered in a book.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and Annual report to be made.

such statement shall be published in the newspapers published in the city of Hudson.

Vacancies, how filled.

14. *And be it enacted*, That the managers shall have the power to fill up by ballot at a regular meeting, after notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Place of business, &c.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Hudson, and the books of the institution shall be open at all times for the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Misnomer not to vitiate any deed, &c.

16. *And be it enacted*, That this act shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend, modify or repeal this act.

Proviso.

Proviso.

17. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved February 10, 1869.

CHAPTER XLII.

A Supplement to the act entitled "An Act concerning idiots and lunatics," approved April sixteenth, eighteen hundred and forty-six.

Wife of lunatic appointed guardian may give bond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a wife has been or shall be appointed guardian or one of the guardians of the person or estate, or both, of her lunatic husband, she may, notwithstanding her coverture, give the bond required by said act; and such bond shall be as valid and effectual and as binding upon her and her surety or sureties, and all those who

join in such bond, as if she were a feme sole at the time of giving such bond.

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

Approved February 10, 1869.

CHAPTER XLIII.

A Further Supplement to an act entitled "An Act to incorporate the Bordentown and Crosswicks Turnpike Company," approved March third, eighteen hundred and fifty-six.

Proceedings when turnpike is not kept in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the eighteenth section of the act to which this is a supplement, be so amended that any person believing himself or herself aggrieved by reason of said turnpike not being kept in repair as is directed by said act, it shall be the duty of the complainant to notify the president of said company, and in case he shall refuse or neglect to order the gates on said road to be opened for travel, the person so aggrieved may apply to any judge of the court of common pleas of the county of Burlington, having first given the president of said company two days' notice of the time and place of meeting before said judge, who, on proof of notice as aforesaid, may proceed as is directed in the act to which this is a supplement.

Rates of toll.

2. *And be it enacted*, That it shall and may be lawful for said company to demand and receive toll for travelling each mile on said turnpike road for every carriage, sleigh and sled drawn by one beast, a sum not exceeding one and a half cents, and that rate proportionally for every additional beast or beasts passing through the gates or over the road of said company as enumerated and specified in the thirteenth section of the act to which this is a supplement.

Reduction of par value of stock.

3. *And be it enacted*, That the par value of the stock of said company shall be and is hereby reduced to twelve dollars

and fifty cents per share, being now its actual value, and tha sum shall be deemed and taken as the amount of said stock paid in by the stockholders to said company.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company under said reduction as aforesaid shall for all legal purposes be taken and deemed to be ten thousand five hundred dollars.

Repealer.

5. *And be it enacted*, That the first section of the act entitled "A Supplement to an act entitled 'An Act to incorporate the Bordentown and Crosswicks Turnpike Company,'" approved March twentieth, eighteen hundred and fifty-seven, be and the same is hereby repealed.

6. *And be it enacted*, That all act or acts or parts of any act inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 10, 1869.

CHAPTER XLIV.

An Act to incorporate the Independent Red Men Hall Association, of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Otto, Christian Miller, Philip Butz, Frederick Manger, Adolph Kaufmann, Michael Klement, Francis Friederici, Gustav Stedenfeld, Francis Hense, Christian Machlet, Frederick Doebner and Philip Gnam, their successors and such persons as now are or hereafter may be associated with them, shall be and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of

Name.

"The Independent Red Men Hall Association, of the city of Newark."

Object of association.

2. *And be it enacted*, That the object of said association shall be the erection of a Red Men's Hall in the city of Newark, for which purpose they shall be authorized and empowered to purchase and hold such real and personal estate,

as may be necessary for the purpose of said association, and erect thereon such building or buildings as may be necessary, and also to manage the same in such lawful manner as may be for the best interest of the association.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said association shall not exceed the sum of one hundred thousand dollars ($100,000) to be divided into shares of ten dollars each, the said shares to be deemed personal property and transferable in such manner as the laws and regulations of said association shall direct.

Election of directors.

4. *And be it enacted*, That the government of the association, the management and disposition of its stock, property and concerns, shall be vested in twenty seven directors, to be chosen from among the stockholders at their first meeting, who shall be elected to serve for the period of one year, and until the election of their successors; *provided*, that the directors so chosen shall at their first meeting determine by lot, the one-third part of their number who shall go out of office at the first annual election of directors, as provided in this act; *and provided further*, that the directors elected to fill the vacancies as above provided for, shall serve for the period of one year; and in all cases the directors chosen at any election shall be capable of serving by virtue thereof until another election shall be held; and should any vacancy or vacancies occur during the interval between the annual elections by reason of death, resignation or otherwise, in such cases the remaining directors or a majority of them, may proceed to choose persons from among the stockholders to fill such vacancy or vacancies: *provided further*, that the directors shall choose from among their own body a president, a vice president, a secretary and a treasurer, who shall severally hold their offices for the term of one year, and until the election of their successors; *provided further*, that any officer may for official misconduct be removed by the directors; *provided further*, that the directors shall keep, or cause to be kept, proper books of accounts, in which shall be kept a record of all the transactions of the association, which books shall at all times be subject to the inspections of the stockholders, his, her, or their legal attorney or attorneys; they shall also make an annual report of their acts and doings to the stockholders; they shall also adopt and enforce such regulations and by-laws for the government of the business of the association as they may deem necessary.

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Proviso.

Election of directors annually.

5. *And be it enacted*, That the election of directors a aforesaid shall be held annually on the fourth Wednesday in October, at such hour and place in the city of Newark a

Proviso.

may be directed by the by-laws of said association; *provided* that at least five days' public notice of such election shall b given in two or more newspapers (if two there be) publishe in the city of Newark; and at such election each stock

Proviso.

holder shall be entitled to one vote in person; *provided further*, that in case it should at any time happen that an elec tion should not be held on the day that pursuant to the pro visions of this act it ought to be held, the said corporatior shall not for that cause be deemed to be dissolved, but i shall and may be lawful to hold such election on such othe day, in the manner aforesaid, as shall be prescribed by th laws of said association.

Commissioners to receive subscriptions.

6. *And be it enacted*, That the following named persons shall be commissioners for the purpose of receiving subscrip tions to the capital stock of said association and organizing the same, to wit: John Otto, Philip Butz, Adolph Kaufmann, Gustave Stedenfeld, Michael Klement, Frederick Doebner, Philip Gnam and Francis Hense; and whenever the sum of five thousand dollars shall have been subscribed to said stock, it shall be the duty of the commissioners to call a meeting of the subscribers for the purpose of organizing said association;

Proviso.

provided, that at such organization no subscription or vote shall be valid or received unless there shall have been paid ten per centum on each share of stock subscribed and claiming a

Proviso.

vote in such organization; *provided further*, that the direct ors may require such further installments or payments upon the stock, to be made at such time as they may direct; and any stockholder neglecting or refusing to pay the install ments as required by the directors within thirty days after being duly notified, his, her or their installments and payments already made may be forfeited to the association by a vote of the directors.

When directors may act under the charter.

7. *And be it enacted*, That whenever the sum of five thousand dollars of the stock as aforesaid has been subscribed for, and twenty per centum of each share so subscribed shall have been paid as required by the directors, the directors may purchase such lands and hereditaments as may be necessary for the purposes of the association, and cause to be erected thereon such buildings as may be deemed by them needful and proper for the purposes of the association.

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

Approved February 11, 1869.

CHAPTER XLV.

A supplement to the act entitled "An Act to incorporate the West Jersey Ferry Company," passed on the thirty-first day of January, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, at a meeting of the stockholders of the West Jersey Ferry company, convened by order of the board of directors of said company, upon at least twenty days notice of the time and place of said meeting, to be published in a newspaper, printed and published in the city of Camden, in this state, and also in a newspaper printed and published in the city of Philadelphia, in the state of Pennsylvania, a majority in interest of all the stockholders, voting according to the rule observed in the election of directors under their act of incorporation, shall determine that a reduction of the capital stock of said company is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital stock of said company to any amount not less than one hundred and fifty thousand dollars, either by reducing the par value of the shares of said stock, or by a surrender of shares of stock on the part of the stockholders; *provided*, that such reduction of the capital stock shall not be deemed completely accomplished until a copy of the resolution of the stockholders for that purpose, signed by the president and secretary, and sealed with the seal of said company, shall be filed in the office of the secretary of state; and the said resolution shall be published in the next session laws of this state, and the same, or an exemplified copy thereof, shall be evidence thereof in all courts and places whatsoever.

How the capital stock of corporation may be reduced, and to what amount.

Proviso.

Directors shall carry such reduction into effect.

2. *And be it enacted*, That after the reduction of the capital stock of said company as aforesaid, the directors of said company shall provide for, and carry into effect such reduction, and the amount to which it shall be so reduced shall be deemed the amount of the capital stock of said company paid in.

Approved February 17, 1869.

CHAPTER XLVI.

Supplement to an act entitled "An Act for the relief of Henry Marsh, of the county of Morris," approved March twenty-first, eighteen hundred and sixty.

Pension to Henry Marsh.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to Henry Marsh, of the county of Morris, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred (instead of fifty) dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of July next.

Approved February 17, 1869.

CHAPTER XLVII.

An Act to incorporate the Eglington Cemetery.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles F. Clark, M. D., Thomas R. Gill, Zebulon Locke, Joseph Jessup, Philip S. Baker, Jacob F. Clark and David B. Gill, and such other persons as are now or shall hereafter become stockholders, their successors and assigns, be, and are hereby made and created a body politic and corporate in law, under the name, style and title of the "Eglington Cemetery, of Greenwich Township, Gloucester County," and by that name shall have perpetual succession, and be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation.

Name.

Powers of association.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land not exceeding twenty-five acres, in the vicinity of Clarksboro', in the township and county aforesaid, for the use and purposes of a cemetery, and erect thereon such buildings and other accommodations as the directors may deem suitable and necessary; and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, and signed by the president and secretary thereof, to be used only as a cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as have been or may be established in relation thereto by any by-law or ordinance of said corporation; transfers of sub lots or rights thereto may be made by the owner or owners thereof, by assignments annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

May sell lands unsuited for the purpose.

3. *And be it enacted*, That if any part of said lands conveyed to said corporation for the purpose aforesaid, shall be unsuited or unnecessary for the purpose of a cemetery, then

it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited or unnecessary therefor.

Directors, how elected.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be elected annually at such times and place as the by-laws may direct, a majority of whom shall constitute a quorum for the transaction of business; and the said directors shall elect from their number a president and a secretary and treasurer, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid to them; they shall have power to fill all vacancies in their own number, until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several plats and lots such price as they shall deem reasonable and proper; and shall have the sole charge, superintendence and control of said cemetery; and until the first election of directors the persons named in the first section of this act shall be the directors, and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by the secretary; and the directors, for the time being, shall continue to hold their office until others are chosen.

General powers of the directors.

Amount of capital stock.

5. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, erecting fences, buildings, and other necessary accommodations, shall be the capital stock of said association, and it shall be divided into shares of one hundred dollars each; and that not less than ten per centum of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded, and the income thereof shall be expended for the further embellishment and maintaining the improvements of said cemetery grounds, and the balance received shall belong to, and be divided among the stockholders according to their several interests.

May call in subscriptions, and a failure to pay may work a forfeiture.

6. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice as they may deem reasonable; and a failure to

comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys thereon and all rights by virtue of his subscription to such stock.

Property exempt from taxation.

7. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated; and the said lots and parcels, when conveyed by the said corporation, or when sold to individual proprietors, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment, under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

No street or road to be opened through cemetery.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the said corporation.

Societies may hold lots, &c.

9. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society may purchase and hold lots in said cemetery, adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

May take and hold any grant devise or bequest.

10. *And be it enacted*, That the said corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same or income thereof under the directions of the board of directors for the improvement of said cemetery, or for the erection, repair, preservation or removal of any tomb, monument, fence, railing, or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants in and around any cemetery lot, or for the improving the said premises in any other manner or form consistent with the design and purposes of this act, according to the term of such grant, donation or bequest.

11. *And be it enacted*, That the provisions of the eighth section of the act entitled "An act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same is hereby made part of this act.

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

Approved February 17, 1869.

CHAPTER XLVIII.

An Act to incorporate the East Orange Library Asssociation.

Preamble. WHEREAS, at a meeting of citizens of the township of East Orange (in the vicinity of Grove street), held about two months since, it was resolved to form an association under the name and title of the "East Orange Library Association;" and whereas, the persons hereinafter named, and others who now are, or hereafter may be associated with them, believe that the growing population of the immediate neighborhood demands the formation of such an association, the object of which is the establishment and erection of a building for a lecture hall, library, and reading room, with all proper conveniences and appurtenances, with a view to advance the interests of learning generally, and to instruct and educate the youth of said locality in science, literature and the arts; and whereas, a committee appointed at the meeting hereinbefore referred to have purchased by authority of said meeting a lot of ground on the corner of Grove and Main streets, upon which to erect said building and hall; and whereas the association is desirous of an act of incorporation that its purposes may be effectually subserved; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George D. Woodruff, Jotham Hedden, Matthias M. Dodd, Aaron P. Mitchell, Daniel C. Whitman, and such other persons as may become their associates, their successors and assigns, shall be, and hereby are, constituted a body corporate and politic, in fact and in name, by the name of "The East Orange Library Association," and said association is hereby authorized to lease, purchase, hold, sell, improve (by the erection of buildings or otherwise), or to receive by donation, devise, or bequest, and to convey any lands, tenements or personal estate, whatsoever, and to raise money by loans upon the same, by mortgage or otherwise, and to rent out the same and receive the rents or emoluments thereof, as may be deemed expedient for the purposes of this corporation.

Name.

2. *And be it enacted*, That the said corporation shall be managed and controlled by a board of directors, who shall be stockholders, not to exceed nine, elected annually, and in such manner, and at such time, as may be prescribed by the by-laws of said association; and the first election for directors shall be held as soon as the stock hereinafter mentioned of ten thousand dollars shall have been subscribed upon written notice having been given by the corporators to the subscribers of the stock, of the time and place for holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of stock by him, her or them held, either in person or by proxy. Directors, and how elected.

3. *And be it enacted*, That the capital stock of said association shall be fifty thousand dollars, to be divided into shares of ten dollars each, which shares shall be deemed to be personal property, and shall be transferable and assignable on the books of the company; and whenever ten thousand dollars shall have been subscribed, and twenty per centum of the same paid, the said association are authorized to commence operations to carry out the objects and purposes of this act. Amount of capital stock.

4. *And be it enacted*, That the corporators named in the first section of this act shall open books for subscription to the capital stock of this association within fifteen days after this act shall become a law, at such hour of the day, and in such place or places in East Orange, as they or a majority of them may deem desirable and proper, due notice of the time and place for opening such books of subscription having been given in a newspaper circulating in East Orange at least five days before opening such books of subscription, and also to fix and determine at what times, in what amounts, and to whom the balance of subscriptions shall be paid. Corporators to open books of subscription.

5. *And be it enacted*, That the directors of said association shall have power to enact by-laws for the government and management of its property, purposes and general affairs, and shall have power to alter, amend or to repeal the same, or any part thereof, in such manner as the said by-laws may prescribe; and that the said by-laws shall prescribe the time and manner for the election of directors after the first election, and shall state the number of officers of said board of directors, and of said association, and prescribe their duties, and the manner in which and the term for which they are appointed, and the manner in which vacancies in the board of General powers.

directors, or in any of the offices, whether caused by removal, death, expulsion or otherwise, may be filled; and they (the said board of directors) shall have power to forfeit to the association such sum or sums of money as may have been paid upon subscriptions, provided the balance shall not be paid according to the terms of said subscriptions; and also to enforce payment of the same from such delinquent subscriber or subscribers by due course of law.

Dividends.

6. *And be it enacted*, That the board of directors of said association shall declare, make and pay such dividends to the stockholders, from time to time, out of the profits of the said association, as they may deem prudent and proper.

Personal property not taxable.

7. *And be it enacted*, That the books and furniture belonging to and for the use of the said "The East Orange Library Association," shall be free from all state, county, township, and other taxes or assessments whatsoever, and that said association shall be competent to sue and be sued, before any court of law or in equity, in its corporate name, and that it may have a common seal, which seal may be altered or changed by order of a majority of the board of directors.

Other like associations may subscribe for stock.

8. *And be it enacted*, That other associations and corporations, like in character, objects and purposes to this association, shall and may have power and authority to subscribe to the stock of this association.

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

Approved February 17, 1869.

CHAPTER XLIX.

A Supplement to the act entitled "An Act to incorporate the Ogden Mine Railroad Company."

May elect a president and directors who are residents or non-residents of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as requires the president and a majority

of the directors of said company to be residents of this state, be and the same is hereby repealed; and that from and after the passage of this act it shall be lawful for the said Ogden Mine Railroad Company, to elect its president and its board of directors in the manner prescribed in the act to which this is a supplement, from any of the stockholders of said company, whether they be residents or non-residents of this state.

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

Approved February 17, 1869.

CHAPTER L.

A Further Supplement to an act entitled "An Act to incorporate the United States Casualty Company," approved February thirteenth, eighteen hundred and sixty-six.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon filing with the secretary of state the written assent of the majority of the directors of said company to such change, the corporate name of the said company shall be changed to the "Anchor Life Insurance Company," and by said name the said corporation shall have succession and possess all the powers and be subject to the restrictions and liabilities contained and granted in the act to which this is a supplement and the supplements thereto.

May increase number of directors.

2. *And be it enacted*, That said company, by a vote of a majority in interest of its stockholders may, at any time, increase the number of its directors to not more than seventeen persons.

May increase its dividends to stockholders.

3. *And be it enacted*, That in case a majority in interest of the stockholders of said company shall so elect, said company may increase the amount of its dividends to stockholders to not exceeding seven per centum per annum upon the whole amount of its capital stock, and the residue of the profits of the business of the company may be distributed

among the policy holders of said company, in such manner and at such times as the board of directors may designate.

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

Approved February 17, 1869.

CHAPTER LI.

An Act to incorporate the Benedictine Sisters of Elizabeth City, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philomena Spiegel, Walburga Hock, Alphonza Hursey, Hildegard Kohlhepp, Clara Hegarty, of the state of New Jersey, and their associates, members of the society called the Benedictine Sisters, being a society of religious ladies living in community and devoted to charitable works and the education of youth, be and they are hereby constituted a body politic and corporate, by the name, style,

Name.

and title of the Benedictine Sisters of Elizabeth City, New Jersey, to have perpetual succession, to use a common seal, and alter and renew the same at pleasure, to take, hold and enjoy lands, tenements, hereditaments, and to make such by-laws for their government, and for the admission of more members into the corporation as they shall deem necessary and proper, and that the said corporation shall be exempt

Proviso.

from tax or assessments; *provided*, that said by-laws shall not be repugnant to nor inconsistent with the constitution and

Proviso.

laws of the United States, or of this state; *and provided also*, that the clear yearly income of the real estate to be held by said corporation, exclusive of the houses occupied by the society and the grounds thereto attached, shall not exceed the

Proviso.

sum of three thousand dollars; *and provided further*, that no person shall be or remain a corporator except regular members of said religious society living in community and governed by the by-laws thereof.

2. *And be it enacted*, That the essential objects of the said corporation shall be the care and education of youth in public schools or academies of their own, or in houses of industry and refuge of their own. Objects.

3. *And be it enacted*, That no misnomer of the said corporation and their successors, shall defeat or annul any gift, grant, devise or bequest, to or for the said corporation; *provided*, that the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing whereby any estate or interest was intended to pass to or for the said corporation. No misnomer shall defeat gift, grant or devise.

4. *And be it enacted*, That any person or persons now holding or hereafter to hold any goods, chattels or property, real or personal estate, or interest whatever, in trust or for the use of the said Benedictine Sisters, or any one of them, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, freed and discharged from all such trusts; *provided*, that the said corporation shall appropriate the same to the same uses as the donors or grantors by whom said property, real or personal, was originally given or granted, shall have given or granted the same; *and provided further*, that no private rights or vested interest shall be affected or in any way prejudiced by such conveyance to the corporation. Persons holding property in trust for it authorized to convey to this corporation. Proviso. Proviso.

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

Approved February 17, 1869.

CHAPTER LII.

An Act to incorporate the Patent Lock Shank Button Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Darius R. Mangum, Thomas F. Carhart, George W. Simmons, C. B. Hill, Joseph M. Bennett, Willoughby H. Reed, Lewis Seasongood, Louis Morganstern, George P. Bradford, John S. Wilde, Walter S. At- Corporators.

wood and John Fareira and such other persons as they may associate with them, and their successors, shall be and are hereby created a body politic and corporate, in fact and in law, by the name of "Patent Lock Shank Button Company;" that the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of ten dollars each, which shall be subscribed and paid in at such times, upon such notice and in such manner and installments as the directors of said corporation, by their by-laws or otherwise, may direct; that such payments shall be made either in money or in real or personal property, including patent rights necessary for the business of said corporation; and in case of payment in real or personal property, including patent rights, the directors of said corporation may issue in payment therefor the stock of the said corporation, upon such terms as they may deem best for its interests, and that in case of the failure of any stockholder to pay any installment on his or her stock at the place and within thirty days of the time appointed by the directors of the said corporation for the payment thereof, such stockholders shall incur a forfeiture of his or her share and shares of stock, and of all previous payments thereon, for the use of the said corporation.

Name.

Amount of capital stock.

How payments may be made for stock

Stock forfeited on non-payment of installments.

Stock transferable.

2. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of stock shall entitle the holder thereof to one vote either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by this act when twenty-five thousand dollars of its capital stock shall be subscribed; that the affairs of the said corporation shall, after its organization, be managed by twelve directors, to be chosen, except as hereinafter provided, by the stockholders of the said corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, five of whom shall be a quorum for the transaction of business, and which directors shall serve for one year and until others are chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Hudson; said directors shall from time to time elect a president of the corporation from their own number, who shall hold his office until the next annual

Officers.

election for directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held at any time thereafter; *provided*, two weeks notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson.

Not dissolved for failure to elect directors

Proviso.

4. *And be it enacted*, That Darius R. Mangum, Thomas F. Carhart, George W. Simmons, C. B. Hill, Joseph M. Bennett, Willoughby H. Reed, Lewis Seasongood, Louis Morganstern, George P. Bradford, John S. Wilde, Walter S. Atwood and John Fareria, shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation, and a majority of them shall, as soon as convenient after the sum of twenty-five thousand dollars of said capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

First directors

Books of subscription to be opened.

5. *And be it enacted*, That the said corporation be and the same is hereby authorized and empowered to carry on the business of manufacturing, buying, selling and dealing in buttons of every kind, and buttons and other articles patented by letters patent granted by the United States to D. S. Somers and W. S. Atwood for an improvement in buttons, which letters patent are dated the thirty-first day of December, in the year one thousand, eight hundred and sixty-seven, and the business of manufacturing, buying, selling, and dealing in rivets, eyelets, closing machines and tools, and to take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description; and said corporation shall at all times have an office in this state where a legal process may be served on it.

Powers of corporation.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time as the board of directors shall determine, to an amount not exceeding one million dollars.

May increase capital stock.

7. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the pre-

May alter and repeal by-laws

servation and use of its property, and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.

Proviso.

Real and personal property to be taxed.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals, and that the said corporation shall not be subject to any other tax whatever, and its stockholders shall not be subject to any tax on any stock of said corporation held or owned by them or any of them.

General powers.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto so far as the same are applicable.

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

Approved February 17, 1869.

CHAPTER LIII.

A Supplement to an act entitled "An Act respecting the Prerogative Court and the power and authority of the Ordinary," approved April sixteenth, eighteen hundred and forty-six.

Right of appeal from ordinary to court of errors

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons aggrieved by any order or decree of the prerogative court may appeal from the same, or any part thereof, to the court of errors and appeals in the last resort in all causes, which appeal shall be taken within the same time and prosecuted in the same manner in all respects as now provided by law for appeals from the court of chancery.

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

Approved February 17, 1869.

CHAPTER LIV.

A Further Supplement to the act entitled "An Act to amend and revise the charter of the City of New Brunswick," approved March eighteen, eighteen hundred and sixty-three.

One collector and one overseer to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be elected by the voters of the city of New Brunswick at their annual charter election to be held on the second Tuesday after the first Monday in March next, and every third year thereafter, one collector and one assessor for the entire city of New Brunswick, who shall possess the powers and perform the duties of the like officers in any township in the county of Middlesex, so far as such powers and duties are consistent with the act to which this is a supplement, and the other supplements thereto, and that the office of assessor and collector in and for each of the three districts of the said city be and the same is hereby abolished.

Term of office of collector.

2. *And be it enacted*, That the said collector so to be elected shall hold his office for the term of three years, and until his successor is duly qualified by law, unless sooner removed by the common council for neglect of duty; and the said collector, before he enters upon the duties of his office, shall give bonds as is required by the twenty-second section of the said act to which this is a supplement; and the collector shall also possess all the powers and perform all the duties of the collector of arrears of taxes, which said office of collector of arrears of taxes is hereby abolished; and the said collector so elected as aforesaid shall receive for his compensation the sum of two per centum on all moneys collected and paid over by him to the city treasurer, who shall pay all bills

Shall give bonds.

Powers and duties.

Compensation

of cost, books, stationery, and other necessary expenses incurred in the collection of said taxes and assessments.

Further duties of collector.

3. *And be it enacted*, That it shall be the duty of the said collector to collect all unpaid taxes and all assessments made under and by virtue of the said act to which this is a supplement, and under and by virtue of the supplements thereto, and shall possess all the powers and perform all the duties now belonging to or required of the city treasurer in respect thereto.

Duty of common council in relation to unpaid taxes and assessments.

4. *And be it enacted*, That it shall be the duty of common council, at least once in every three months, to appoint a committee, whose duty it shall be to ascertain from the books of the said collector what taxes and assessments are unpaid, and to report the same to common council, with the names of the parties owing the same and the amount due from each, which said report shall be made and prepared in writing by the said collector, and by him delivered to the said committee; and it shall be the duty of common council thereupon to direct, by resolution, the said collector to collect the same according to law, by sale or suit at law.

Term of office of assessor.

5. *And be it enacted*, That the said assessor so to be elected as aforesaid shall hold his office for three (3) years and until a successor is duly qualified by law, unless sooner removed by common council for neglect of duty; and the

Duties of assessor.

said assessor shall, during the first year of his office, make a complete and accurate record in a proper book for that purpose, to be provided at the expense of the said city, and to be kept in the office of the said collector, of all the real estate in the said city, which said record shall contain the names of the owners of the said real estate at the time the said record is made, the names of the streets, avenues or highways on which situated, and the numbers or other sufficient description of the said real estate by which the same may be identified; and the said assessor shall possess all the powers and perform all the duties of the like officers in the townships of the said county of Middlesex, so far as such powers and duties shall be consistent with the provisions of the act to which this is a supplement, and with the several supplements thereto; and

Compensation

the said assessor shall receive such compensation for his services as are now and may hereafter be provided by the laws of New Jersey, and such other compensation as common council may provide for extra services performed by the said assessor.

6. *And be it enacted*, That the common council of said city shall have the power to remove at any time the said collector and assessor for neglect of duty and incompetency; *provided*, two-thirds of the whole number of members of common council consent to such removal; *and provided also*, that the resolution of common council removing either the said officers shall be reduced to writing, and specify for what neglect and what incompetency said removal is made, and be entered on the minutes of common council. Council may remove assessor and collector. Proviso. Proviso.

7. *And be it enacted*, That if the said collector shall not give bonds according to the twenty-second (22) section of the act to which this is a supplement, within such time as the common council shall limit, the office shall be considered vacant. Failure of collector to give bonds creates a vacancy.

8. *And be it enacted*, That in case a vacancy shall occur in the office of collector or assessor by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of some suitable person who is eligible by law to fill such office, until the then next annual charter election, and until a successor is duly qualified by law. Council to fill vacancies.

8. *And be it enacted*, That all acts and parts of acts so far as the same are inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately; and that this act shall be deemed and taken as a public act. Repealer.

Approved February 18, 1869.

CHAPTER LV.

A Further Supplement to the act to incorporate the Hackensack and New York Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of Change of corporate name.

this act, "The Trustees of the Hackensack and New York Railroad Extension" shall be known and designated by the name of "The Hackensack and New York Extension Railroad Company," and shall be a body politic and corporate; by that name may sue and be sued, and have a common seal; they shall have power to elect nine directors of said company, yearly, and every year, to be chosen in the manner of choosing other directors, who shall hold their offices for one year and until others are elected in their stead; they shall have power to elect a president and other officers of said company, with such salaries as they may appoint.

How stock shall be issued

2. *And be it enacted*, That the stock to be issued for the railroad which said company are authorised to build, shall be issued by the said "The Hackensack and New York Railroad Extension Company," and all transfers of such stock shall be made only on the books of said company; and that they shall have power to issue bonds, under the seal of the said company, and make and execute a mortgage or mortgages, in their own name, upon the said railroad and franchises, and upon all the property of said company, to an amount not exceeding one hundred and fifty thousand dollars in the whole.

May issue bonds and mortgage road

Limitation.

May purchase and hold lands at stations.

3. *And be it enacted*, That the said company shall have power to acquire, purchase and hold lands at each of the stations on said railroad, for railroad purposes, not exceeding in amount, at each station, five acres; and also to acquire, purchase and hold all lands necessary for road way; and when the said company cannot agree with the owner or owners of any lands necessary for road way, or such owner or owners are unknown or cannot be ascertained, then it shall be lawful for the said company to take said lands, by commission, in the same manner in all things as is provided in the act to which this is a further supplement, and payment or tender of payment made as in said act is directed, shall entitle said company to take, use and occupy such lands.

Proceedings when company and owners of lands cannot agree.

May enter into contracts with other companies.

4. *And be it enacted*, That said company shall have power to contract with any other company or companies, for conveying the passengers and freight of such other company, or for such other company to run over their road, or for leasing out the road of this company to any other railroad company.

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

Approved February 23, 1869.

CHAPTER LVI.

An Act to incorporate the Star Oil Cloth Company at Beverly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Dickinson, Seth W. Herrick, Robert J. Summerill and Charles G. Gilbert, junior, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of the "Star Oil Cloth Company," for the purpose of manufacturing and selling oil cloths, paints and other articles connected with said business, and for that purpose may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal property, as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof. Corporators. Name and objects. May hold real and personal estate.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand dollars, and may be increased to one hundred thousand dollars, divided into shares of fifty dollars each, and as soon as a transfer and conveyance shall be made to the "Star Oil Cloth Company" by the said persons above named, of the property, effects, assets and buildings now owned, occupied and used by them in manufacturing in Beverly, which together represents their said capital of twelve thousand dollars, it shall be lawful for the said company to commence their business, and with that capital conduct and carry it on, until they shall deem it necessary to extend their operations and increase their capital for that purpose, which a majority of the directors are authorized to do to the amount hereinbefore mentioned. Amount of capital stock.

3. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, a majority of whom shall be residents of this state, and one of whom shall be president, and one secretary; and that the said directors shall be chosen on the second Monday of July in each year, to serve until others are duly elected by the stockholders, who shall be entitled to one vote, either in person or by proxy, for every share of stock they may own, Directors, how chosen.

and the person having the greatest number of votes, being stockholders, shall be declared elected directors.

First directors

4. *And be it enacted*, That the first directors shall be the four persons mentioned in the first section of this act, together after the first day of March next, with the largest stockholders others than themselves on that day, who shall hold their office until the second Monday in July, eighteen hundred and sixty-nine, or until others are legally elected.

May make by-laws.

5. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for its government not inconsistent with laws now in force, and may appoint such subordinate officers as the business of the corporation may require and fix their salaries.

Stock transferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and be transferable in such manner as the by-laws shall prescribe, that certificates of stock shall be made to the stockholders by the directors, and no transfer shall be valid until entered on the books of the company at their office, and the said directors may make dividends from time to time, but no dividend shall be declared or paid except from the actual net profits of said corporation.

Books of account to be kept.

7. *And be it enacted*, That regular books of accounts shall be kept in the office of said company in or near the city of Beverly, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection.

Corporation may be dissolved.

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

Proviso

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

Approved February 24, 1869.

CHAPTER LVII.

An Act to provide for the more effectual prevention and detection of crime in the township of Hackensack.

Governor may appoint marshals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and vice-president of the Protection Society of Hackensack township, in the county of Bergen, may, from time to time, apply, under their hands, to the governor of this state to commission one or more persons, whom they shall designate, to act as marshals in said township, and the governor, upon such application, may appoint such persons, or so many of them as he may deem proper, to be such marshals, and shall issue to each of such persons so appointed, a commission to act as such marshal, a copy of which commission shall be filed in the office of the secretary of state.

Powers of marshals.

2. *And be it enacted*, That every person so appointed as marshal shall possess all the powers of constables in criminal cases, and their compensation shall be defrayed by the said society.

How their commissions may be revoked.

3. *And be it enacted*, That whenever the president and vice president of the said society, for the time being, shall file a notice in the office of the secretary of state dispensing with the services of any one or more of such marshals, his or their commission shall be revoked, and the powers of said person or persons as such marshal shall cease and determine.

Power to arrest without warrant.

4. *And be it enacted*, That it shall be lawful for said marshals and they shall have power and authority to arrest any person found within the limits of this state who shall have violated any law of this state within the said township, or who shall have wilfully disturbed or wrongfully interfered with the peace and good order of said township; and the said marshal shall arrest every such person without warrant and endorsement and bring him or her, as soon as conveniently may be, before some person exercising the duties of justice of the peace in criminal cases in the county of Bergen, there to be dealt with according to law.

Governor may appoint special police justices.

5. *And be it enacted*, That the governor of the state may appoint the president and vice president of said society, for

the time being, special police justices of the said county of Bergen, to hold office until removed by the governor or until they cease to hold the office of such president and vice president; and upon such appointment, the governor shall issue to such person or persons a commission to act as such special police justice, and a copy of such commission shall be filed in the office of the secretary of state; and upon the receipt of such commission the persons so appointed shall severally possess and may exercise within the county of Bergen all the powers of a justice of the peace of this state in criminal cases, but shall not receive any fees for services performed in such cases.

May erect a house of detention.

6. *And be it enacted*, That the said society is hereby empowered to purchase land within said township and to erect thereon a suitable house of detention, into which may be committed and safely kept, by any proper authority of this state, any person arrested for offences against the laws of this state; the person so committed to be kept in such house of detention with like effect as if committed to the common jail of said county.

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

Approved February 24, 1869.

CHAPTER LVIII.

An Act to vacate a certain portion of the highway or road now or formerly known as the Lower or New Road from Jersey City to Bergen Point, in Hudson county.

Preamble.

WHEREAS, by an act of the legislature of New Jersey, entitled "An Act to incorporate the Jersey City and Bergen Point Plank Road Company," approved March sixth, eighteen hundred and fifty, it was enacted "that the said corporation shall use the highway or road known as the Lower or New Road from Jersey City to Bergen Point, running out and being a continuation of Grand street, for the pur-

pose of constructing said plank road, having first obtained a majority of votes approving the same at the annual town meetings in the townships of Bergen and Van Vorst, in said county of Hudson, respectively;" and whereas, the said "The Jersey City and Bergen Point Plank Road Company" constructed their said road in accordance with the provisions of said act; and whereas, by an act of the legislature of New Jersey, entitled "A Supplement to an act entitled 'An Act to incorporate the Jersey City and Bergen Point Plank Road Company,'" approved March sixth, eighteen hundred and fifty, which supplement was approved March tenth, eighteen hundred and sixty-eight, it was recited and enacted as follows: "Whereas, the Jersey City and Bergen Point Plank Road Company, in pursuance of the terms of their charter and the several supplements thereto, have constructed a road from Jersey City to Bergen Point, in the county of Hudson; and whereas, the said company desire to change the course of their road so as to follow the streets laid down on a 'map of Bayonne, near Bergen Point, Hudson county, New Jersey,' instead of going through the blocks laid down on said map; therefore, Be it enacted by the Senate and General Assembly of the State of New Jersey, That the said Jersey City and Bergen Point Plank Road Company shall have the privilege, and are hereby authorized to vacate so much of the said road as is situated between the southerly side of Huron or Fortieth street on said map, and the westerly side of Union Avenue or Avenue D;" and whereas, the said company did vacate and abandon the said road between Huron or Fortieth street and Union Avenue or Avenue D, and have laid their road as directed by said last-mentioned act.

Highway or road declared vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such portion of the highway or road now or formerly known as the Lower or New Road from Jersey City to Bergen Point, in Hudson county, as is situated between the southerly side of Huron or Fortieth street and the westerly line of Union Avenue or Avenue D, be and the same is hereby declared vacated, the same as if such portion of said road had never been laid out and established.

How the land shall revert.

2. *And be it enacted*, That the land occupied by such road so vacated as aforesaid shall revert and become the absolute property of the parties owning on either side of the same,

free and clear of the public easement or right of passage by the public in, to or over the same and every part and parcel thereof.

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

Approved February 24, 1869.

CHAPTER LIX.

A Further Supplement to an act entitled "An Act relative to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

Deputies increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the deputies provided for in section fourteen of the act to which this is a supplement, may be increased from five to a number not exceeding one for each ward in said city, whenever the receiver of taxes and the finance committee of the common council deem it expedient and necessary so to do.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved February 24, 1869.

CHAPTER LX.

An Act to incorporate the New Jersey Manufactured Stone and Building Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McClintock, Francis A. Thomas, Theodore D. W. McClintock, Josiah B. Brown and Albert G. Achorn, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of the New Jersey Manufactured Stone and Building Company, for the purpose of manufacturing and selling artificial stone, for walls, houses, and other buildings, with full power to erect buildings for lease and for sale, and for other owners, of said artificial stone and other materials; and for those purposes may hold such real estate, machinery, personal property and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell mortgage, lease or otherwise dispose of the same; and that the principal office of said company shall be in Cumberland county, but that said company shall have the privilege of establishing branch offices and places of business in such other parts of the state as they shall deem proper.

Corporators.

Name and objects.

May hold real estate.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, if the directors think such increase necessary, divided into shares of twenty dollars each; and the persons named in the first section of this act are hereby appointed directors of the company, to receive subscriptions, to organize the company and to do all other business that may be proper under this act to insure the success of the company.

Amount of capital stock.

First directors and their duties.

3. *And be it enacted*, That when the capital stock is subscribed for, and seventy-five thousand dollars of it paid in, the directors shall, by giving at least two weeks' notice in a newspaper published in Cumberland county, call the first meeting of the stockholders for the purpose of electing a board of directors of not less than five or more than seven stockholders, each to hold not less than twenty shares, who

Election of directors.

shall manage the affairs of the company, and continue in office until the first annual meeting of the stockholders, which shall be held in Vineland, Cumberland county, in the month of January, anno domini eighteen hundred and seventy, and annually thereafter, at such place as the directors shall designate, and that such directors shall continue in office until their successors shall have been properly qualified.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case an election for directors shall not take place upon the day herein designated for that purpose, the corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, by giving two weeks' previous notice as aforesaid of the time and place of said election, at which election and at all meetings of the company each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held.

Books of account to be kept.

5. *And be it enacted*, That the regular books of account shall be kept at the principal office of the company, or at such place as the directors shall direct, to which books every stockholder may have free access at all reasonable times for the purpose of inspection, but no dividend shall at any time be made except from the net profits of the company.

Dividends.

Restrictions and liabilities.

6. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in the act entitled "An Act concerning corporations," approved February fourteenth, anno domini one thousand eight hundred and forty-six, and the supplements thereto, so far as the same are applicable; and this act shall take effect immediately.

Approved February 24, 1869.

CHAPTER LXI.

A Further Supplement to "An Act for the preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act for the preservation of sheep, approved March twenty-fourth, eighteen hundred and fifty-two, be and the same are hereby extended and applied to the township of Ewing, in the county of Mercer, together with the following amendments to the same.

Time of meeting of township committee changed.

2. *And be it enacted*, That the time mentioned in the third and fourth sections of the aforesaid act (the first Monday in October) be changed to the time fixed by law for the meeting of the township committee to revise and correct the duplicate of the assessor.

Limitation.

3. *And be it enacted*, That the protection afforded by this act to owners of sheep shall extend only to residents or taxpayers in the township.

Repealer.

4. *And be it enacted*, That all acts inconsistent with the provisions of this act and of the act to which this is a supplement be and the same are hereby repealed, as far as the same shall apply to the township of Ewing, in the county of Mercer, except a supplement to the said act, approved March twenty-ninth, eighteen hundred and sixty-six.

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

Approved February 24, 1869.

CHAPTER LXII.

A Supplement to "An Act to incorporate the New Jersey Sugar Refining Company," approved March twentieth, eighteen hundred and sixty-seven.

May borrow money, issue bonds, and secure the same by mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Sugar Refining Company shall by the action of its board of directors, when they deem it necessary for the purposes of the company, have power to borrow money from time to time, and to make and deliver the bonds of the company, executed as the directors may direct, bearing interest as therein or in coupons shall be expressed, not exceeding seven per centum per annum, the principal and interest payable at such times and places in or out of this state, and in such manner as they may direct, the total amount of the bonds not to exceed two hundred thousand dollars, and they may secure the same by a mortgage or mortgages of the company, which shall be and remain a lien or liens for the amount secured thereby on any property, real or personal, and upon the chartered or other rights of the company thereby mortgaged, until the same be paid; and the registry thereof in the county of Hudson, in this state, shall be notice to all parties interested, and the same shall be recorded by said clerk in the record of mortgages in his office; and it shall be lawful, and they are hereby authorized to negotiate, sell, or dispose of any of the bonds or obligations of the company at public or private sale, at a rate to be fixed by the stockholders, who shall signify their assent thereto in writing; and said bonds or obligations shall not be sold or disposed of at less than their par value, unless all the stockholders sign and deliver to the directors their written assent to such sale or disposition, and the execution of said assent may be proved or acknowledged the same as deeds are now proved or acknowledged, and the directors of said company may record the same in said Hudson county clerk's office if they deem it desirable; said company shall have the same powers as companies incorporated under the general manufacturing law entitled "An Act to authorize

How bonds shall be sold.

General powers.

the establishment and to prescribe the duties of the companies for manufacturing and other purposes.

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

Approved February 24, 1869.

CHAPTER LXIII.

An Act to incorporate the Hoboken Homestead Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adolphus Henry Andersen, John Albrecht, Arthur de Bonneville, Ernest L. R. Bosse, Rudolph F. J. Bostelmann, Frederick Brandes, Augustus Brandes, Lewis Budenbender, William Budenbender, Frederick A. Casselmann, Theodore Christen, Hermann Claussen, Carsten Cordes, Henry Dering, William Danzler, Augustus Dorenkamp, Christian Duhrkoop, John von Duisburg, Henry Emde, Fritz Erb, John Erich, Ludwig Ettinghaus, Edward Gamm, John Grapengiesser, Daniel Gilchen, George Gleystein, John Gleystein, Lewis Greulich, Fritz Heusel, William Herborth, Adolphus Herber, John Herold, Augustus Heusel, Frederick Hulbig, Hermann Jahn, George Jegel, Christian Jensen, Carl F. A. Jordan, Christian Krakehl, Carl Kroger, Frederick Lange, Ernst J. Loewenthal, John Ludwig, Charles Mencke, Henry Meyn, William F. Muller, Balthasar Munth, Martin H. Nestler, Carl Augustus Nestler, George Orthey, Fritz Poggenburg, Diedrich Pohlmann, John H. Rathjen, Fritz Reimann, Conrad Roehr, Otto Schassberger, Michael Schieber, Conrad von Schluter, Henry Schmidt, Frederick E. Schultze, Henry Schultze, John H. Schoppmeyer, Theodore Schwerdtfeger, Fritz Schneider, Anthony Seiff, Anthony Senten, John Simon, Charles Spielmann, Arthur Spielmann, Charles Spielman, junior, William Stadermann, Louis Stuhldreher, Julius Jackmann, Henry Truberg, Anton Unger, George Unold, Carl Voigt, Hermann Wackendorff, Julius Werkless, Robert Werner, Peter Wessels, Louis Wessels, Corporators

Diedrich Witjen, Franz Witt, Christian Woerner, Henry Wood, Augustus Werde, Jacob Ziebert, and all other persons as now are or shall hereafter become their associates, are hereby created, declared and constituted a body corporate and politic, in fact and in name, by the name and style of "The Hoboken Homestead Association," and by that name shall be capable in law to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state; and shall be likewise capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate in this state as may be necessary or expedient to the objects of this corporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for said purposes.

Name.

Proviso.

Special powers.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of four hundred dollars each, and as soon as one hundred and fifty shares of the capital stock shall have been subscribed, and the sum of twenty dollars on each share so subscribed, paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the object of said corporation, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

May let, mortgage, sell and improve real estate.

3. *And be it enacted*, That the said corporation are hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable; *provided*, that nothing in this act shall be so construed as to affect the vested rights of any other person or persons, corporation or corporations.

Proviso.

Directors, how elected.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by nine directors, a majority of whom shall be residents of this

state, and who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Tuesday in October in every year, and at such time and place as shall be provided for by the by-laws of said corporation by such of the members as shall in person attend for that purpose, and notice of the time and place of such election shall be published not less than two weeks previous thereto in the official paper or newspapers in the city of Hoboken; and every member shall be entitled to one, but no more than one, vote for all or any shares which he or she may hold in said corporation; and the said directors shall form the executive department of the corporation, and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said corporation the said directors shall at once convene a special meeting of the corporation for the purpose of holding an election to fill such vacancy or vacancies; and until other directors are chosen by the members of said corporation, the first directors shall be Frederick Lange, Fritz Poggenburg, Rudolph F. J. Bostelmann, Lewis Budenbender, Ernest L. R. Bosse, Augustus Dorenkamp, Fritz Erb, George Gleystein, Anthony Unger, who shall hold their offices until the first Tuesday of January, eighteen hundred and seventy, or until others are legally chosen.

Vacancies, how filled.

First directors

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

Not dissolved for failure to elect.

6. *And be it enacted*, That no stockholder shall be entitled to vote in said corporation at any election of officers, or in any other matter, unless he shall have been elected to membership in said corporation; and any stockholder may be elected a member of said corporation at such time, in such manner, and under such restrictions and conditions as the by-laws of such corporation shall prescribe.

Rights of stockholders and members.

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

Act may be amended.

8. *And be it enacted*, That this act shall continue in force twenty years, and that the said corporation shall possess the general powers and be subject to the restrictions and liabili-

Limitation.

ties contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable, and that this act shall take effect immediately.

Approved February 24, 1869.

CHAPTER LXIV.

A Supplement to "An Act to incorporate the Columbia Delaware Bridge Company," passed March seventh, eighteen hundred and thirty-nine.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Columbia Delaware Bridge Company are hereby authorized to increase the capital stock of said company to any amount deemed by the directors to be necessary, so that the whole capital stock of said company shall not exceed the sum of forty thousand dollars, and issue certificates therefor in shares of fifty dollars each; *provided*, that this act shall not take effect until the legislature of the state of Pennsylvania shall pass a similar act authorizing the increase of the capital stock of the said company.

Proviso.

Approved February 24, 1869.

CHAPTER LXV.

An Act to authorize the Trustees of the Methodist Episcopal Church of Hancock's Bridge to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of the village of Hancock's Bridge, in the county of Salem, or their successors in office, be and they are hereby authorized and empowered to sell and convey so much of a certain tract of land, known as the Hancock's Bridge graveyard, now held in trust as the property and for the use of said Methodist Episcopal church of Hancock's Bridge, as are included in the following bounds, viz: beginning at a stone in the southeast corner of said graveyard lot, adjoining land of Joseph Bowen, and running thence north fifty-one and a half degrees west two chains and eighty-five links to a stone corner, thence south twenty-six and three-quarter degrees west one chain and fifty links to a corner, thence south sixty degrees east ten chains and eighty-five links to a point in the line bounding the south side of the said graveyard, thence north thirty-one and a half degrees east seventy links to the place of beginning, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law. Trustees authorized to sell church lands.

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

Approved February 24, 1869.

CHAPTER LXVI.

A Further Supplement to an act entitled "An Act to authorize the Mayor and Common Council of the city of Newark, to purchase the property of the Newark Aqueduct Company, and creating 'The Newark Aqueduct Board.'"

Newark aqueduct board may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing and extending the works now in progress for supplying the city of Newark with water, it shall be lawful for "The Newark Aqueduct Board" to issue bonds in the name and under the seal of the mayor and common council of the city of Newark, to be denominated on their face, "Newark City Water Bonds," in addition to those now authorized by law, to an amount not exceeding three hundred thousand dollars; such bonds shall bear a rate of interest not exceeding seven per centum per annum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of the board, which may be sold at public or private sale for the best price they can obtain for the same; they shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment thereof on the part of the city of Newark, as are prescribed in the act to which this is a supplement and the various supplements thereto.

Payment of interest provided for.

2. *And be it enacted*, That it shall be the duty of "The Newark Aqueduct Board," at the beginning of each year, to make a careful and accurate estimate of the amount of money, if any, which will be necessary, in addition to the net revenue from said works, to enable them to pay the interest which will fall due during the said year upon the bonds which may have been issued by said board; and they shall report the same to the common council at or before their regular March meeting in said year; and the said common council shall thereupon levy and assess the same by the tax ordinance of said year, all the proceedings in relation to the collection of the same and of the arrears thereof, shall be the same as those in relation to the other city taxes; the city treasurer shall keep his account of the same separately from his other accounts, and shall pay the same over to said Aqueduct Board

on or before the first day of October in said year; in case the amount so assessed and raised in any year shall be more than sufficient or less than sufficient to pay the said balance of said interest, the said excess or the said deficiency, as the case may be, shall be reported by said board to said common council in their statement for the year then next ensuing, and the amount to be then assessed shall be increased or diminished accordingly.

Interest to be paid from net revenue as soon as it can be, and the net revenue into sinking fund.

3. *And be it enacted*, That as soon as the net revenue from the said works will enable the said board to pay the interest upon their said bonds, the said board shall report the same to the common council, and no further assessment for said purpose shall be thereafter made; the net revenue from said works shall thereafter be paid into the sinking fund already created by said board for the redemption of said bonds.

Limitations of charter not to affect this act.

4. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable to or in anywise to affect this act.

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

Approved February 24, 1869.

CHAPTER LXVII.

An Act to facilitate Judicial Proceedings in the County of Middlesex.

Additional judge of common pleas created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace in and for the county of Middlesex, shall hereafter consist of four judges, in addition to the justice of the supreme court holding the circuit

for said county, one of which judges shall be an attorney or counsellor at law of at least three years' standing.

Compensation

2. *And be it enacted*, That such additional judge by this act provided for shall receive a salary of sixteen hundred dollars per annum, payable by the board of freeholders of said county, in quarterly payments, but shall receive no share of the fees or compensation now divisible among the judges of said court; *provided nevertheless*, that he shall be at liberty to practice law otherwise than in the courts whereof he shall be judge.

Proviso.

He shall be president judge.

3. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, such additional judge shall be president judge of the court of common pleas, quarter sessions and orphans' court.

Common pleas and quarter sessions may hold special terms.

4. *And be it enacted*, That the courts of common pleas and quarter sessions of the peace in and for said county may hold adjourned and special terms of said courts, or either of them, under the same regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.

Indictments and crimes tried there where deemed necessary.

5. *And be it enacted*, That indictments for all crimes within the jurisdiction of the court of general quarter sessions of the peace shall be handed down by the court of oyer and terminer and general jail delivery unto and tried in the said court of general quarter sessions of the peace whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court and to deliver the jail.

Person charged with offence may waive indictment and trial by jury.

6. *And be it enacted*, That whenever any person shall be charged upon oath before any justice or police justice in the county of Middlesex with any offence now triable by law before the court of general quarter sessions of the peace, and such person shall in writing signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the presiding judge of the common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the presiding judge of the court of common pleas of said county constituted by this act for the immediate trial of said person, and said presiding judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least two other judges of said court,

to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit and the possibility of obtaining necessary witnesses, and to determine and judge the guilt or innocence of the person charged; if such person be acquitted by said court he or she shall be forthwith discharged, if he or she shall plead guilty or be convicted said court shall thereupon forthwith render and record such judgment of imprisonment or fine or both as shall be authorized by law, in case such person had been duly indicted and convicted, and it shall be the duty of said prosecutor, in person or by deputy, to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person to trial before said court, his accusations, plea, trial and sentence, subpœnaing of witnesses and costs of such proceedings, shall be in conformity with law, and the practice heretofore except so far as the same is altered by this act, and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, except as herein otherwise provided; *provided*, that no person charged with larceny in said county shall be tried otherwise than before said court or on regular indictment, according to the usual course of proceedings at law. Proceedings thereon. Proviso.

7. *And be it enacted*, That ten dollars shall be taxed for said prosecutors fees in each case of conviction under this act as a part of the costs aforesaid. Fees of prosecutor.

8. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore. Duties of clerk, sheriff, and other officers.

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

Approved February 24, 1869.

CHAPTER LXVIII.

An Act to prevent Municipal Officers from being interested in Public Contracts.

County, town, or municipal officers shall not be interested in contracts where the county, town, or city is a party.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any member of the boards of chosen freeholders, or of township committees, or of any board of aldermen, or common councilmen of any city or borough in this state to be directly or indirectly concerned in the construction of any bridge or building of any kind whatsoever to be constructed for the public use, or at the public expense, or to be a party to any contract or agreement, either as principal or surety, between the county, township, city or borough, as the case may be, and any other party.

Penalty for violation of foregoing section.

2. *And be it enacted*, That any chosen freeholder, committeeman, alderman or common councilman, as the case may be, who shall violate any of the provisions of the foregoing section, shall forfeit and pay into the corporation or body of which he is a member, the full amount of his share in such contract and agreement, the same to be recovered in an action of debt, with costs of suit, in any court of competent jurisdiction, by the said corporation, or by any person or persons it may authorize to prosecute for the same.

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

Approved February 24, 1869.

CHAPTER LXIX.

A Further Supplement to an act entitled "An Act to incorporate the Delaware Water Gap Slate Company," passed the twentieth of March, anno domini eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware Water Gap Slate Company be and they are hereby authorized to increase the number of their directors to seven, to increase their capital stock from time to time, as the board of directors may determine, to any amount not exceeding in the whole six hundred thousand dollars, and in addition to their office in the county of Warren, to have and maintain an office in the city of Philadelphia for the transaction of business, the transfer of stock, and the meetings of directors and stockholders of the said company. May increase number of directors and capital stock.

2. *And be it enacted*, That the provision in the act incorporating said company, limiting its existence to twenty years, be and the same is hereby repealed. Repealer.

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

Approved February 24, 1869.

CHAPTER LXX.

A Further Supplement to an act entitled "An Act to incorporate the Passaic Thread Company," approved March ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Clark Thread Company (formerly known as the Passaic May reduce amount of capital stock.

Thread Company) to reduce the capital stock of said company to any sum not less than three hundred thousand dollars;

Proviso. *provided, however*, that two-thirds of the stock represented at a special meeting of stockholders to be called for that purpose shall consent to said reduction.

2. *And be it enacted*, That as soon as by such vote of said stock, such reduction shall be consented to, and a minute thereof made upon the books of said company, said capital stock shall be deemed and taken and held to be so reduced for all purposes under the charter of said company, or under any law of this state.

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

Approved February 24, 1869.

CHAPTER LXXI.

A Supplement to an act entitled "An Act to incorporate Gloucester City," Camden county, New Jersey.

Mayor and common council may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "the mayor and common council of Gloucester City" to issue bonds in the name of the mayor and common council of Gloucester City, under the common seal of the city and the signature of the mayor and city recorder, for an amount of money not exceeding twenty thousand dollars, in such sums and payable at such times as the said mayor and common council shall deem proper, bearing interest at the rate not exceeding seven per centum per annum, payable annually, and to pledge the property and credit of said city for the payment of the same;

Proviso. *provided*, that not more than twenty-five hundred dollars of the principal of said bonds shall be made redeemable in any

Proviso. one year; *provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed ten years from the issuing thereof.

2. *And be it enacted*, That the said "The Mayor and Com-

mon Council of Gloucester City," shall yearly and every year, until the bonds to be issued by the authority thereof be redeemed and paid off, order to be assessed and collected by tax, at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable, and all such money so raised by virtue of this act, shall be applied by the city treasurer to pay the interest and principal of said bonds as the same shall become due and payable. How the interest and principal shall be assessed, collected and paid.

3. *And be it enacted*, That it shall be the duty of the said "The Mayor and Common Council" to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities that have or may be incurred in said city by the mayor and common council thereof, in building a city hall, with city offices, lock-up and such other rooms as may be necessary for the use of the said city, completing and furnishing the same, and enclosing the grounds connected therewith. How proceeds of bonds shall be applied.

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

Approved February 24, 1869.

CHAPTER LXXII.

An Act to create from the township of South Amboy, in the county of Middlesex, a new township, to be callled the Township of Madison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of South Amboy, in the county of Middlesex, contained within the following boundaries and lines, that is to say: beginning at the mouth of Cheesequake Creek, where it unites with Raritan Bay, and running thence up the middle of said creek its several courses to a small creek which empties into Boundaries.

said Cheesequake Creek, and is known as Miller's Creek; thence up and along said Miller's Creek, its several courses, to line of lands of Edmund Earnst; thence in a northerly direction along said Earnst's line which divides his land from land of Noah Furman, as far as the public road which leads from Jacksonville to South Amboy at a point where the middle of the public road (known as the Grey Rock road), intersects the first mentioned road; thence along the middle of Grey Rock road to the middle of the old turnpike which leads from South Amboy village to Old Bridge; thence following the middle of said turnpike to South river; thence up said South river and along the line between the township of South Amboy and East Brunswick to the boundary line of the township of Monroe; thence along the line between the township of South Amboy and Monroe to the line between the counties of Middlesex and Monmouth; thence along said county line in a northerly direction to Raritan bay; thence up said bay to the place of beginning, shall be and the same is hereby set off from the township of South Amboy, and made a separate township, to be called and known by the name of the township of Madison.

Name.

2. *And be it enacted*, That the inhabitants of the township of Madison shall be and they 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 Madison, in the county of Middlesex," and shall be vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to the same regulation, government and liabilities as the inhabitants of the other townships in said county of Middlesex are or may be entitled or subject to by the existing laws of this state.

Time and place of holding first annual town meeting.

3. *And be it enacted*, That the inhabitants of said township of Madison, hereby created, shall hold their first annual town meeting at the inn of Robert L. Skillman, in the village of Jacksonville, in the said township of Madison, on the second Monday in March, eighteen hundred and sixty-nine, and afterward in such places in the said township of Madison as the inhabitants thereof shall determine, in the manner prescribed by law.

Settlement of paupers.

4. *And be it enacted*, That all paupers who may be chargeable to the said township of South Amboy at the time when this act shall go into operation, shall thereafter be chargeable to and be supported by that one of the townships of

Madison and South Amboy, within the bounds of which they have acquired their settlement respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlement in the township of South Amboy, and who shall thereafter become chargeable as paupers, shall be supported by that one of the said townships of Madison and South Amboy, within the bounds of which they respectively reside at the time of acquiring their settlement.

Disposal of real and personal property belonging to township of South Amboy.

5. *And be it enacted*, That the real and personal property now belonging to the said township of South Amboy shall hereafter belong to the respective townships of Madison and South Amboy, in proportion to the taxable property and ratables as valued and assessed within the respective limits of said townships at the last assessment, and shall be owned and held by them in common.

Manner of division of property, allotment of paupers and payment of debts.

6. *And be it enacted*, That the township committees of South Amboy and Madison shall meet on Monday, the fifteenth of March, eighteen hundred and sixty-nine, at ten o'clock in the forenoon, at the Poor Farm in the township of South Amboy, and shall 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 to become due in proportion to the taxable property and ratables as valued and assessed within the respective limits of said townships at the last assessment, and shall also ascertain and determine which of the paupers now supported by the township of South Amboy shall have their residence in that part of the township hereby set off as the township of Madison, and may adjourn said meeting from time to time, and to such times and places as a majority of those present may think proper; and the townships of South Amboy and Madison, respectively, shall be liable to pay their just proportion of all debts, if any there be, in proportion to the taxable property and ratables as valued and assessed by the assessor within the respective limits of the said township at the last assessment, and to support and maintain the paupers so alloted to the said townships of South Amboy and Madison, respectively; and if any of the members of said township committee shall refuse or neglect to meet as aforesaid, then those present may proceed to make such divisions, and their decision or the decisions of a majority of them, shall be final and conclusive.

Township officers elected by ballot, and moneys raised for various purposes.

7. *And be it enacted*, That the inhabitants of the said township of Madison are hereby authorized and required to elect by ballot, and not otherwise, at said town meeting, and at their annual town meetings thereafter, such officers as are authorized by law to be chosen in the other townships in the county of Middlesex, and shall also vote on the same ballot for the amount of money to be raised for school purposes, for the repairing of the roads, for the support of the poor, and for such other purposes as may be authorized by law.

Officers of election.

8. *And be it enacted*, That the election shall be open at ten o'clock in the forenoon, and close at the hour of four o'clock in the afternoon of the same day, except when justices of the peace are elected, when the polls shall be opened and closed at the same hour as at state elections; and also that at the first election held under this act, Hendrick H. Brown shall be judge of election, Andrew J. Rose and Lawrence K. Hilliard shall be inspectors or associate judges, and Martin L. Burlew shall be clerk; *provided, however*, that in case of the absence or inability of any of the above-named persons to act, the town meeting may fill the vacancy.

Proviso.

Township committees may have power to sell and release property.

9. *And be it enacted*, That the township committee of the respective townships of South Amboy and Madison shall have power, and they are hereby authorized and empowered to sell and release one to the other of them, all the right, share and interest of the respective townships in and to the property, both real and personal, if any there be now belonging to the township of South Amboy, or any part thereof, for such sum or sums as may be agreed upon by the committee of the township interested, and to make good and sufficient deeds for the same.

Town committee.

10. *And be it enacted*, That it may be lawful for the inhabitants of said township of Madison to elect any number of town committeemen, between three and five, after the second town meeting.

Surplus revenue.

11. *And be it enacted*, That nothing in this act contained shall be construed to impair or in anywise to affect the right of the said township of Madison 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 or the interest thereof.

Justices of the peace, &c.

12. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township of South Amboy set off and called Mad-

ison, nor with the commissions of the justices of the peace, or the commissioners for taking the acknowledgments and proof of deeds, until they shall expire by their own limitation.

13. *And be it enacted*, That the said townships of Madison and South Amboy shall be included in and constitute a part of the third assembly district in the county of Middlesex. Assembly district.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; and that this act shall be deemed and taken to be a public act, and shall take effect immediately. Repealer.

Approved March 2, 1869.

CHAPTER LXXIII.

A Supplement to the "Act concerning Roads," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every public road or highway which shall hereafter be laid out in the township of Hackensack, in the county of Bergen, may have an extreme width of five rods; and so much of the act to which this is a supplement as is inconsistent herewith is hereby repealed. Width of roads regulated.

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

Approved March 2, 1869.

CHAPTER LXXIV.

An Act to alter the line of certain streets in the City of Rahway.

Alteration of line of Meadow avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the line of Meadow Avenue in the city of Rahway, as described on a map of said city, from surveys under the direction of commissioners appointed by the legislature under an act entitled "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Rahway," approved April fourth, eighteen hundred and sixty-five, be changed to conform to the following course, viz: the centre line of said avenue, beginning on the northwesterly side of Main street, at a point in the division line of lands belonging to James Vanderhoven and Willard Ide, and running thence along said division line and along line of lands of Albert G. Lee and others, north fifty degrees and thirty-five minutes west until it strikes Railroad Avenue on the southeasterly side thereof, at the point of the intersection of said Railroad Avenue with said Meadow Avenue as now laid down on said map; and that said Meadow Avenue be extended from the southeasterly line of Main street, beginning at a point where the centre line of said avenue as hereinbefore described, would if extended across Main street, strike the southeasterly line of said Main street; and running thence in a direct line till it strikes Randolph Avenue at its northeasterly point of intersection with said Meadow Avenue, as now laid down on said map as made under the direction of said commissioners, and that said line shall be the centre line of said Meadow Avenue from Main street to Randolph Avenue; said Meadow Avenue to be sixty-six feet in width.

Alteration of line of Lake avenue.

2. *And be it enacted*, That the lines of Lake Avenue as now described on said map be changed to conform to the following course, viz: the centre line thereof, beginning on the northwesterly side of Main street, at a point in the division line of lands belonging to Mrs. Cornelia Yellot and Willard Ide, and running thence along said division line and through lands of Albert G. Lee, in a northwesterly direction, until it

strikes Railroad Avenue on the southeasterly side thereof; said Lake Avenue to be sixty-six feet in width.

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

Approved March 2, 1869.

CHAPTER LXXV.

An Act to repeal an act entitled "An Act to regulate the system and practice relating to the employment of hacks, stages and vehicles for passengers in the city of Cape Island, in the county of Cape May," approved March eighteenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An Act to regulate the system and practice relating to the employment of hacks, stages and vehicles for passengers in the city of Cape Island, in the county of Cape May," approved March eighteenth, eighteen hundred and sixty-eight, be and the same is hereby repealed. Repealer.

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

Approved March 2, 1869.

CHAPTER LXXVI.

An Act to incorporate the Excelsior Hook and Ladder Company, Number One, of Scotch Plains, Township of Westfield.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George R. Nicholl, George Miller, James A. Baker, William H. Brower, Joseph Clark, senior, Joseph Osborn, Loftus Hollingsworth, Lewis H. K. Smalley, and all persons who now are or hereafter shall become associates of the Excelsior Hook and Ladder Company, Number One, of Scotch Plains, be and they are hereby constituted and declared to be a body corporate and politic, in

Name.

fact and in law, by the name of the "Excelsior Hook and Ladder Company, Number One, of Scotch Plains," and by such name they shall have succession and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have

Special powers.

full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of three thousand dollars, which shall be applied to the purchase of such implements, machines and carriages, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Payment of installments.

3. *And be it enacted*, That the said capital stock of the said company shall be divided into shares of ten dollars each; and that at the time of subscription there shall be paid an installment of ten per centum on each share subscribed; the directors are authorized to call upon the said subscribers for the payment of further installments, in such sum or sums,

at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Books of subscription to be opened.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened at Scotch Plains at such time after the passage of this law as the members of said company shall deem proper.

Officers.

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

Annual statement.

6. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days before each annual election.

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

Approved March 2, 1869.

CHAPTER LXXVII.

An Act to authorize the Trustees of the Methodist Episcopal Church of Cranberry to mortgage certain real estate.

Trustees may mortgage church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Cranberry, or their successors in office, be and are hereby authorized and empowered to mortgage all the real estate and appurtenances situate in Cranberry, in the county of Middlesex, now held by them in trust as the

property, or for the use and benefit of the said society of the Methodist Episcopal Church of Cranberry, or which is the property of said society by virtue of any deed or deeds whatsoever, bearing date prior to January, anno domini eighteen hundred and sixty-eight, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of mortgage therefor to the mortgagee or mortgagees of the same, and that all and every such deed or deeds of mortgage shall be good and effectual in law.

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

Approved March 2, 1869.

CHAPTER LXXVIII.

A Further Supplement to the act entitled "An Act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren," approved March ninth, eighteen hundred and fifty-three.

Mayor and council may ascertain and establish boundaries of streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of said town to ascertain and establish the boundaries of all streets, lanes and alleys in said town, and to straighten the lines of said streets, lanes and alleys, and for that purpose may take and appropriate any lands and real estate which may interfere with the straightening of said lines, upon making compensation to the owner or owners thereof.

Proceedings in relation thereto.

2. *And be it enacted*, That whenever the mayor and common council shall determine by ordinance to straighten the line or lines of any alley, street or lane, or lay out and open any new street, lane or alley within said town, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any land and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for that purpose they may purchase

such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and shall receive from such owner or owners a conveyance of such lands and real estate to said town.

Proceedings in case no agreement can be made with owners of property.

3. *And be it enacted*, That in case no agreement can be made for such purchase, it shall be lawful for the mayor and common council of said town to appoint three disinterested freeholders, two of whom shall be residents of the township of Independence, in the county of Warren, commissioners to make an estimate and assessment of the damages that any such owner or owners may sustain by taking and appropriating in the manner aforesaid such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof by making such improvement as aforesaid.

Commissioners shall take oath.

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

Duties of commissioners.

5. *And be it enacted*, That said commissioners shall give public notice of the time and place of their meeting, by advertisement in seven public places of said town, and shall have power, when met, or a majority of them, to examine witnesses under oath or affirmation, to be administered by one of them, to enter upon and view the premises, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of the same, and file the same with the town clerk, and the same being ratified by the common council, shall be binding and conclusive on the owner or owners of said land and real estate, and the said common council shall cause the same to be converted and used for the purposes aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of said common council or commissioners, may appeal within sixty days from the time of making the final order of said common council, to the court of common pleas in and for the county of Warren, and said court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Proviso.

Proceedings on non-payment of damages assessed.

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

Duties of town treasurer in relation to assessments.

7. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay to the owner or owners as aforesaid, if resident of the town, the amount of such estimate and assessment due to him or them; but if such owner is not a resident in the town, or cannot be found therein, or is a lunatic, idiot, under age, or from any other lawful cause, shall be incapacitated to receive the same, or if such owner shall not accept the same and sign a receipt therefor, when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the town clerk, and the common council shall direct the amount to be placed in the town treasury for the use of the person to whom it may be due, without interest, on demand.

Repealer.

8. *And be it enacted*, That the supplement to an act entitled "An Act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren," approved March the sixteenth, eighteen hundred and sixty-six, be and the same is hereby repealed.

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

Approved March 2, 1869.

CHAPTER LXXIX.

An Act to incorporate the Franklin Horse Car Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dennis Osborn, Charles Akers, Anthony Francisco, John Kennedy, Abel S. Kingsland, James W. Sargent, Horace Freeman, Joseph Kingsland, junior, William Parsons, John Rusby, Elias Osborn, S. Daily M. D., James Moore and such other persons as may hereafter be associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Franklin Horse Car Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they, or a majority of them, may deem proper, and at the time of subscribing for said stock such per centage shall be paid upon the amount subscribed for, to the said commissioners, or some one of them, as the said commissioners, or a majority of them, may think proper, and as soon as the sum of fifteen thousand dollars of the capital stock is subscribed for such commissioners, or a majority of them, shall call a meeting of the stockholders to choose seven directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made by such of the stockholders as shall attend for that purpose, either in porson or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of Commissioners to open books of subscription. Election of directors and other officers.

directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to elect not to dissolve.

4. *And be it enacted*, That the directors of the said corporation shall be seven; and in case it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in one or more newspapers published in the county of Essex, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

General powers.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company, by such installments, and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper

Proviso.

touching the management and regulation of the stock, property, estate, effects and business of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That the president and directors of the said company be and they hereby are authorized and empowered to survey, lay out and construct a railway, with such turnouts and switches as the said company may deem necessary, from some suitable point in the township of Belleville, in the county of Essex, to the city of Newark, in said county, with a branch or branches in said township, and also to any railroad depot or depots in said city, as the same are now or hereafter may be located, and if they deem expedient may connect with and run over any horse car railroad or railroads now built or hereafter to be built, running to or in said city of Newark, to any point in said city or to any railroad depot or depots therein, said railway and the branches and switches aforesaid to be constructed from time to time, and in such portions or sections as the said corporation shall deem expedient, and to locate and construct said railway and branches, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and the said company are invested with all the powers necessary or convenient to survey, locate, lay out, construct and maintain said railway; *provided*, that said railway, or the branches thereof, shall not be constructed through any street in the said city of Newark without the consent of the common council of said city; and it shall be lawful for said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railway, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route or routes and location of said railway shall have been determined upon, and a survey thereof, by section or otherwise, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and exca-

Required to have consent of common council of Newark to route.

vate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railway, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for, with full right, power and authority to connect and contract with any other railroad corporation; *provided however*, that if the said railway shall be located on any public street or highway, except for the purpose of crossing the same, in the township of Belleville, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committee of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex; and if the said railway shall be located on any public street or highway, except for the purpose of crossing the same, in any township of the said county of Essex through which the said corporation may by this act be authorized to construct their road besides the said township of Belleville, they shall not lay any rails along such street or highway without obtaining consent, and filing such consent as hereinbefore provided in respect to said township of Belleville; and the said railway and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway along which the said road may be located.

Required to have consent of town committee of Belleville to route.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than

ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to view and examine the said lands; the said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of said railroad to the owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages as shall be paid by the said company, which report shall be made in writing, under the hands of said commissioners, or any two of them, and be filed within ten days thereafter, together with the aforesaid description of the lands; and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain on record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, the damages and costs assessed and adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses, to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings in case the company or owners are dissatisfied with report.

8. *And be it enacted*, That in case the said company or the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners named in the

preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in the said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and damages sustained, and if they find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender

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thereof being made, receive the same without being debarred thereby, from an appeal from the report of the commissioners, and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or points shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad. Proviso.

9. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think reasonably expedient or right, but that no steam power shall be used on said railway, or any part thereof, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise and goods as are usually weighed by the ton in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the said road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages and the land over which the same shall pass and all the works and improvements, and all other property whatsoever belonging to the General powers. Proviso. Proviso.

company, are hereby vested in the said company and their successors for and during the continuance of the charter;

Proviso. *provided always*, that in case the said company, after the said road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled, and the title to the lands over which the said railroad is located shall be revested in the person or persons who would have been legally entitled thereto if this said road had not been located, but the superstructures of the said railroad and the materials of which the same are composed shall in such case be deemed and taken to be the personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Dividends. 10. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they deem prudent and proper, from time to time out of the net profits of the said railroad.

May purchase and hold real estate. 11. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding three acres in each place, and may erect and build thereon depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain, over such streams, canals or water courses, as the road may cross, such piers, bridges and other facilities, as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Penalty for injuring road or works 12. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation such person or persons shall forfeit and pay therefor to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

Commencement of running cars. 13. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of

passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

President must file statement of cost of railroad.

14. *And be it enacted*, That as soon as the said railway, or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railway, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road, and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until said railroad, or any part thereof, shall be in operation, said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or imposts shall be levied or assessed upon said company.

Proviso.

Free passes.

15. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company free of charge during the year or years for which they were elected.

May borrow money and secure the same by mortgage.

16. *And be it enacted*, That the said corporation shall have power to borrow after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road and furnish the said company with all necessary rails, buildings, cars, vehicles and animals for the use and

object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease or consolidate road with any other company.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road to or consolidate with any other company, and after such lease or consolidation, such company may use and operate said railroad according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporation, or with individuals for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts; and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

May connect with other roads.

18. *And be it enacted*, That the said company shall have power to connect with any other railroad now or hereafter built and established by any other company incorporated by the legislature of the state of New Jersey, upon such terms and conditions as shall be agreed between them and not inconsistent with their respective charters.

Limitation.

19. *And be it enacted*, That if at least two miles of the said railway be not completed and in use within three years from the fourth day of July next, then and in that case this act shall become void.

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

Approved March 2, 1869.

CHAPTER LXXX.

An Act to incorporate the Hackensack Water Company in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard R. Hawkey, John H. Banta, Garret Ackerson, junior, Eben Winton and Samuel Sneden, and such other persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Hackensack Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created. Corporators. Name.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars ($50,000), with the privilege to double the same, divided into shares of twenty-five dollars ($25.00) each, which shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them shall be commissioners to open books 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 ten days' notice of the same, in a newspaper published in the county of Bergen; and that, at the time of subscribing, twenty (20) per centum shall be paid for each share subscribed for to the commissioners, and as soon as twenty thousand dollars ($20,000) of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders, to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two of them, shall be inspectors of the first election of Corporators to open books of subscription. Directors, and how elected.

directors, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors, shall be fixed by the persons named in the first section of this act; and the directors chosen shall hold office until the first Monday in April following their election, and until their successors are chosen; and there shall be an annual election of directors by the stockholders, on the first Monday in April, in every year, at such time and place as the directors, for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose, out of their number, a president, who shall be a resident of this state, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the remaining directors, or a majority of them.

Officers.

Not dissolved by failure to elect directors

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

Stock forfeited upon payment of installments.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company, by such installments, and at such times, as they may direct; and in case of the nonpayment of such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to said officers, clerks and servants as to the said board shall appear proper; and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties, as they may think proper.

Special powers of directors.

6. *And be it enacted*, That the president and directors of

the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force pumps, and all other devices and work which they may deem necessary for supplying the village of Hackensack, and places adjacent thereto, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the said president and directors, or others in their employ, to enter, at all times, upon all lands or waters in the township of New Barbadoes and Saddle River, Bergen county, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water-wheels, force pumps, and buildings, and all other necessary work and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Bergen county; and then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, excavate, erect reservoirs, water-wheels, wheel-houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated and keeping them in repair, subject to such compensation as is hereinafter provided for.

May survey and lay out reservoirs, &c.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, the said company shall give notice to the persons interested, if known and in the State, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Bergen, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty (20) days from the service

Proceedings when company and owners of land cannot agree.

or publication thereof, for the appointment of three (3) commissioners; and on said day and at the place named in said notice, the said judge shall make said appointment, under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding; to meet at such time and place as they shall designate, giving at least fifteen (15) days' notice of their said meeting, as hereinbefore directed; and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Bergen county, to remain on record therein, and a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the State, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Parties aggrieved may appeal.

8. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them; and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute

a lien upon the premises in question, which said lien shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Penalty for injury to works.

9. *And be it enacted*, That if any person shall wilfully impair, injure, or wilfully do or cause to be done any act or acts whereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, buildings, or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred ($300) dollars, or imprisonment not exceeding two (2) years at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

May lay pipes in roads and streets, &c.

10. *And be it enacted*, That said company be, and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues and alleys, as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic whatsoever for such privilege, and also such hydrants at the crossings or intersections of the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with the public travel, or damage public property; and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

Annual rents.

11. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices, as annual rents, and under such restrictions as they may think proper.

Limitation.

12. *And be it enacted*, That if the work of constructing said reservoirs and appendages shall not be commenced within the term of five (5) years from the date of the approval of this act, the same shall be null and void.

May issue bonds and secure the same by a mortgage

13. *And be it enacted*, That the said company shall have power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property, and franchises and privileges, and by such other assurances as they may deem expedient.

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

Approved March 12, 1869.

CHAPTER LXXXI.

An Act to incorporate the Milltown Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Milltown Turnpike Company shall be opened by James C. Edmunds, Dennis Vanderbelt, Charles E. Elkins, John Evans, Daniel G. Stublebine, Van Liew Booraem and Christopher Meyer, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Middlesex, in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three thousand five hundred dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred and twenty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Milltown Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to

corporate bodies, and necessary to carry the objects of this act into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscription shall be paid in installments at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give notice thereof in the manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors of the company shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time and upon such notice by either party as the directors may determine.

Stock may be forfeited on failure to pay installments.

Proviso.

Proviso.

Subscriptions to be made within three years, or act void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening said books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when one hundred and twenty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to

elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share or shares of the holder or holders thereof, either in person or by proxy.

President.

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

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the intervals between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and the management of its affairs; *provided*, the same are not unlawful or unconstitutional.

Proviso.

8. *And be it enacted*, That at the annual meeting of the

stockholders it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during said term. Annual statement.

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

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Milltown, in the county of Middlesex, to the road belonging to the New Brunswick and Cranberry Turnpike Company, in said county, which said turnpike road shall be constructed on and along the public highway leading from said Milltown to said road belonging to the New Brunswick and Cranberry Turnpike Company, except in those places where the said public highway is not straight; then and in those places the said company shall have power to construct the said turnpike road where they may deem proper; and the width of said turnpike road shall be governed by the public road upon which it may be made, unless said road shall be less than ten rods wide, in which case said road shall be constructed as hereinafter provided for; *provided*, that before the said company shall construct the said turnpike road, they shall pay to the respective owners of the lands over which the said turnpike road is constructed, all damages which said owners will sustain by reason of the construction of the said turnpike road; May construct and make a turnpike. Proviso.

and in case said company and any of the owners cannot agree upon the amount of the said damages, the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land, for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only; *provided also*, that if the lands whereon said road is to be constructed shall belong to the state aforesaid, then the said company shall have power to take the right of way only, without compensation or charge.

Proviso.

Proviso.

Width of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone or gravel, to make a solid, firm, and even road at all seasons of the year, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than fifteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings when company and owners of lands cannot agree.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents

cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Middlesex, who shall cause the said company to give notice thereof to the person interested, if known and in this state, and if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damage, upon notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to examine and view the said land or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths and affirmations aforesaid, in the clerk's office of the county of Middlesex, to remain on record therein, and shall be recorded by said clerk; which report, or a copy thereof,

certified by the clerk of said county, shall at all times be considered plenary evidence of the right of said company to have, hold, use, occupy and enjoy the land and materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and costs in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the said company.

May demand and receive tolls.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several instructions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and receive toll for traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

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

and it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand and receive toll of or from any person passing to or from public worship on the Sabbath day, or passing to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman, passing to or from training on a muster day appointed by law, or any other

Proviso.

military officer or soldier passing or repassing when called to duty by the laws of the state or of the United States.

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

16. *And be it enacted*, That if any person wilfully breaks down, or throws down or defaces any of the mile-stones or posts so erected on the said road, or shall wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the gate or gates without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person in his or her carriage, team or horse, turn off the said road to pass a gate or gates, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five dollars, to be recovered by said company for the use thereof, in an action of debt, with costs of suit. Penalty for injuring mile stones or posts and for forcibly passing toll-gates.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any gate or gates, or shall receive more toll than is by this act established, the said company shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person or persons so unreasonably hindered or defrauded. Penalty for hindering travel.

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

and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be so obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Middlesex, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the town committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut and the toll to be collected as before, and the said fees shall be allowed and paid, as before directed; but if, on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as

before prescribed, and paid by the person or persons making the complaint; and in case the township committee aforesaid are not disinterested, then the said justice shall appoint in the same manner as before prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Limitation.

20. *And be it enacted*, That if the said road is not commenced within three and completed within five years from the passage of this act, then and in that case this act shall be void.

When lawful to erect a toll-gate.

21. *And be it enacted*, That when the said company shall have completed one mile of said road, according to the directions and meaning of this act, it shall be lawful for the said company to erect a toll-gate across the said road, and demand and receive toll for traveling thereon, agreeable to the foregoing rates.

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

Approved March 2, 1869.

CHAPTER LXXXII.

An Act to prevent horses, cattle, sheep and swine from running at large in the township of Raritan, in the county of Hunterdon.

Lawful to impound cattle, sheep and swine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Raritan, in the county of Hunterdon, to drive or convey to any public pound which may be in the township aforesaid, any horses, cattle, sheep or swine found running at large in the public highways or otherwise, within the bounds aforesaid, and impound the same; and the keeper or keepers of the public pound in said township is or are hereby required and authorized to receive such horses, cattle, sheep and

swine; and the party (or the poundkeeper, if the duty be performed by him,) shall have twelve cents per head for impounding each horse or cattle, five cents per head for each sheep, and twenty-five cents per head for each swine; and the keeper shall also have twelve cents per head for every horse or cattle, five cents for every sheep, and twenty-five cents for every swine for letting in and out of the pound; and for feeding and attending eight cents per head for horses and cattle, three cents per head for sheep, and five cents per head for swine for every twenty-four hours they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep or swine so impounded shall not pay the charges of impounding and keeping, within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, and giving at least ten days' notice of an intended day and place of sale, and if the owner or owners of such horses, cattle, sheep or swine do not appear and redeem the said beasts before the time so notified the said poundkeeper shall sell the same accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding said horses, cattle, sheep or swine, and twenty-five cents for advertising, sale and collecting the money for each horse, cattle or swine, and ten cents for each sheep, and return the overplus to the owner or owners of the beasts, if they shall appear to claim the same; and if no owner or owners shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township wherein such beasts were found running at large as aforesaid.

Rate of payment for impounded animals.

May sell the same for payment of charges.

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

Approved March 2, 1869.

CHAPTER LXXXIII.

An Act appointing Commissioners in School District Number Three, of the township of Westfield, Union county, for the purpose of purchasing ground and erecting a School House thereon, &c.

School commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert A. Drake, William T. Peek, Ludlow V. Clark, Stephen S. Mapes, William H. DeGraw, Francis T. Baker and John M. C. Marsh and their successors, residents of the township of Westfield, in the county of Union, are hereby appointed, constituted and declared to be a board of commissioners for the purposes and with the powers hereinafter defined and granted.

Special powers of commissioners.

2. *And be it enacted*, That said commissioners, or a majority of them, shall have power and authority, and are hereby empowered to expend a sum not exceeding fifteen thousand dollars for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of School District Number Three, of said township of Westfield, and for erecting thereon a public school building, with the necessary outbuildings and fences, and for providing the necessary furniture and apparatus and a well and cistern, and for paving and flagging so much of the ground or walk as may be deemed desirable in order to protect the health and secure the comfort and cleanliness of the children; and in order to provide the said sum of fifteen thousand dollars, it shall and may be lawful, and the township committee of said township of Westfield are hereby authorized, empowered and directed, whenever called upon by the board of commissioners by reason of this act, to issue the bonds of said township, the said bonds, when issued, to be disposed of by the said board of commissioners, at not less than par value, for the purposes named in this section.

Town committee may issue bonds for school purposes.

Bonds, how issued and payable.

3. *And be it enacted*, That said bonds shall be issued in sums of one hundred dollars each, with interest at the rate of seven per centum, payable annually, ten of which said bonds shall be payable in one year from the date of their issue, and ten of said bonds shall annually thereafter become due, and

shall be paid, with the interest as above provided, at maturity, and all the said bonds shall be exempt from taxation for county and township purposes.

Town committee shall provide for their payment

4. *And be it enacted*, That the said township committee shall have power and authority, and are hereby directed to provide for the payment of said bonds and the interest thereon as the same shall become due and payable, by taxation on the estates of the inhabitants of said "School District Number Three," and on all lands liable to be taxed therein, in the same manner as township taxes are raised.

Meetings and officers of the commissioners.

5. *And be it enacted*, That the said board of commissioners shall assemble on the first Monday in May next, at five o'clock in the afternoon, and at such times as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business, and shall make such rules and regulations as may be necessary to govern said board; before proceeding to business each of said commissioners shall take and subscribe an oath before the clerk of said township to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability; no compensation shall be allowed to any of the commissioners for any of the duties imposed upon them by this act; any vacancy that may occur by reason of death, resignation or otherwise, shall be filled by a majority vote of the remaining commissioners; and no act of said board of commissioners shall be valid unless approved by a majority of said commissioners.

Shall take an oath and act without compensation.

Limitation.

6. *And be it enacted*, That the power of said commissioners appointed by this act shall cease on the first day of May, eighteen hundred and seventy-two.

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

Approved March 2, 1869.

CHAPTER LXXXIV.

An Act to annex a part of the township of Plumsted, in the county of Ocean, to the township of Upper Freehold, in the county of Monmouth.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Plumsted, in the county of Ocean, lying north of the middle of the Monmouth and Mount Holly road, shall be and the same is hereby annexed to and made a part of the township of Upper Freehold, in the county of Monmouth, and shall be subject to all laws applying to the said township of Upper Freehold, and to the said county of Monmouth; and the middle of the said Monmouth and Mount Holly road shall be hereafter the boundary line between the county of Ocean and the county of Monmouth.

Justices of the peace, &c., to hold their offices until term expires.

2. *And be it enacted*, That the justices of the peace and other officers within the limits of the territory hereby annexed to the county of Monmouth, 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 Ocean, until the first day of April, eighteen hundred and sixty-nine, unless the term of their office shall sooner expire; and all courts at the time of passing this act, existing and being within the aforesaid limits of the said county of Ocean, shall continue to have and exercise jurisdiction within the same until the first day of April, eighteen hundred and sixty-nine, in the same manner as if this act had not been passed, and on and after said date, and until their respective terms of office in the county of Ocean shall expire.

Actions and suits not affected by this act.

3. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings commenced or depending in the supreme court of this state, or in any court or before any justice of the peace within the county of Ocean, as the same stood before the passing of this act, before the first day of April, eighteen hundred and sixty-nine, 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

Proviso. manner as if this act had not been passed; *provided*, that in all such cases pending in the supreme court, when the defendant in any transitory action shall, at the time when this act takes effect, reside within the limits hereby annexed to the county of Monmouth; or when 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 venire in said action changed to the said county of Monmouth, and the same tried therein, as if the said action had originally been commenced in said county.

Judgments and writs of execution. 4. *And be it enacted*, That all judgments obtained, or that may be hereafter obtained, in any of the courts of the county of Ocean upon any action, suit or proceeding actually commenced or depending before the approval of this act, shall be of the same force and effect within the limits hereby annexed to the county of Monmouth, as if this act had not been passed; and writs of excution 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 county of Monmouth, in the same manner that 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 on other cases directed as aforesaid; and thereupon such further proceedings shall be had therein as the party presenting the same would have been entitled to in other cases, and in the same manner as if this act had not passed.

Payment of War debt of Ocean county, and proceedings thereon. 5. *And be it enacted*, That the inhabitants of that part of said township of Plumsted hereby annexed to the said county of Monmouth, shall be exempted from the payment of any part of the debt of the county of Monmouth now contracted, but shall continue liable for the payment of their just quota or proportion of the war debt of the county of Ocean, as if this act had not been passed; and for the purpose of ascertaining the proper quota or proportion of said debt ordered to be collected, that should equitably be assessed upon the persons and property within the limits of the territory hereby annexed to the county of Monmouth, it shall be the duty of the assessor of the said township of Plumstead, for the time being, to furnish, yearly and every year, to the board of assessors of the county of Ocean, at their annual meeting, full, true and accurate abstracts, under oath or affirma-

tion, from his tax-book of ratable lands, chattels, effects, estates, certainties, in said part of Plumstead township, hereby annexed to the county of Monmouth, from which the quota or proportion of said war debt, to be assessed and collected in said part of said township hereby annexed to the county of Monmouth, shall be adjusted and fixed according to law; and it shall be the duty of the assessor of said township of Plumstead to assess, and the collector of said township to collect, within the territory hereby annexed to the county of Monmouth, as other taxes are assessed and collected, the said tax yearly and every year, and pay over the amount of said debt, so assessed and collected, to the board of chosen freeholders or county collector of the county of Ocean, in the same manner, and under the same penalties for neglect, as if this act had not been passed.

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

Approved March 2, 1869.

CHAPTER LXXXV.

An Act to incorporate the Union Locomotive Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. Marsh Kasson, James G. Dudley, Henry I. Smith, C. Vallette Kasson and P. K. Randall, and such other persons as they may associate with them, and their successors, shall be and are hereby created a body politic and corporate, in fact and in law, by the name of "The Union Locomotive Express Company;" that the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and installments as the directors of said corporation by their by-laws or otherwise may direct; that such payments shall be made either in money or

Corporators.

Name.

Amount of capital stock.

in real or personal property necessary for the business of said corporation; and in case of payment in real or personal property, the directors of said corporation may issue in payment therefor the stock of the said corporation, upon such terms as they may deem best for its interests, and that in the case of the failure of any stockholder to pay any instalment on his or her stock at the place and within thirty days of the time appointed by the directors of the said corporation for the payment thereof, such stockholders shall incur a forfeiture of his or her share and shares of stock, and of all previous payments thereon for the use of the said corporation.

Non-payment of instalments to work a forfeiture of stock.

Stock transferable.

2. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct, and every share of stock shall entitle the holder thereof to one vote, either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the said corporation may be organized, and shall have all the rights and powers conferred by this act when twenty-five thousand dollars of its capital stock shall be subscribed and paid in; that the affairs of the said corporation shall, after its organization, be managed by five directors to be chosen except as hereinafter provided, by the stockholders of the said corporation, annually, at such time and in such manner as the by-laws of the said corporation may direct, and which directors shall serve for one year and until others are chosen in their stead, notice of which election shall be previously given for two weeks in two newspapers published in the county of Passaic; said directors shall from time to time elect a president of the corporation from their own number, who shall hold his office until the next annual election for directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; that a majority of the directors shall form a quorum capable of attending to any business, and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved; but such election may be held at any time thereafter; *provided*, two weeks' notice shall be given of such

Officers.

Failure to elect not to dissolve.

Proviso.

election, by the publication thereof in some newspaper published in the county of Passaic.

First directors and their duties.

4. *And be it enacted*, That W. Marsh Kasson, James G. Dudley, Henry I. Smith, C. Vallette Kasson and P. K. Randall shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation; and a majority of them shall, as soon as convenient, after the sum of twenty-five thousand dollars of said capital shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others as hereinbefore directed shall be chosen in their stead.

Special powers.

5. *And be it enacted*, That the same corporation be and the same is hereby authorized and empowered to carry on the business of forwarding and carrying locomotives and other property for a compensation, and to take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description, necessary for their use, and said corporation shall at all times have an office in this state where legal process may be served on it in the county of Passaic.

May increase capital stock.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time, as the board of directors shall determine, to an amount not exceeding five hundred thousand dollars.

May alter and repeal by-laws

7. *And be it enacted*, That the said directors may, from time to time, make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.

Proviso.

Real and personal property to be taxed.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals, and that the said corporation shall not be subject to any other tax whatever.

General powers.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers and be subject to the restrictions and liabilities as provided for in an act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, as far as the same are applicable.

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

Approved March 2, 1869.

CHAPTER LXXXVI.

An Act to authorize the Star Brick Company of Perth Amboy township, in Middlesex county, to purchase, lease, hold and convey real estate in the state of New Jersey.

May purchase and hold real estate in New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Star Brick Company, a corporation duly organized under laws of the state of New York, and now in operation as manufacturers of "star brick" in the township of Perth Amboy, county of Middlesex, be and the same are hereby authorized to purchase, lease, hold and convey real estate within the state of New Jersey.

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

Approved March 2, 1869.

CHAPTER LXXXVII.

A Further Supplement to an act entitled "An Act to authorize the inhabitants of School District Number One, in the the township of Plainfield, in the county of Essex, to raise money to build School Houses," approved March ninth, eighteen hundred and forty-eight.

May borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of funding in-

debtedness incurred in the erection, alteration, repairing and furnishing of school houses in school district number one, in the township of Plainfield, the trustees of said district are hereby authorized to borrow the additional sum of fifteen thousand dollars, and to issue bonds for the same, under their corporate name and seal, and which said additional bonds shall be issued and made payable, and be provided for and redeemed, as a supplement to the before recited act, approved February twenty-fifth, eighteen hundred and sixty-seven, authorizes and directs.

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

Approved March 2, 1869.

CHAPTER LXXXVIII.

A Further Supplement to an act entitled "An Act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city, and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the Water Commissioners of the city of Hoboken to defray the expenses which may be incurred in extending their water pipes throughout the city, the notes, bonds, scrip, or certificates of debt, which they are authorized to issue by the provisions of the third section of the act to which this is a supplement, may be extended to an amount in the whole not exceeding one hundred thousand dollars. May issue bonds and certificates of indebtedness to an increased amount.

2. *And be it enacted*, That the proceedings of the several meetings of the board of water commissioners shall be published only in the newspaper published in the city of Hoboken having the largest bona fide circulation in said city. Proceedings published.

3. *And be it enacted*, That the annual assessments of water rents provided for by the first section of the supplement of Annual assessment of water rents.

the act to which this is a supplement, approved March first, eighteen hundred and fifty-nine, shall be extended to all lots and buildings where the water is taken by private pipes, whether the same are situated upon any road, street, avenue, lane, alley or court in the city of Hoboken, through or in which pipes for distributing the water are laid or not.

Repealer. 4. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 2, 1869.

CHAPTER LXXXIX.

An Act amendatory to an act approved March eighth, eighteen hundred and sixty-one, entitled "An Act to incorporate the Board of Education of the City of Rahway."

Board of education, how composed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Rahway shall consist of one commissioner of public schools in and for each of the wards of said city, and one commissioner at large, who shall constitute and be known as the board of education of the city of Rahway.

How chosen. 2. *And be it enacted*, That at the next annual charter election in said city, and at each annual charter election thereafter, there shall be chosen by all the electors, one commissioner at large, and by the electors of each ward, one commissioner of public schools, who shall hold their office for one year.

When their duties commence. 3. *And be it enacted*, That the commissioners so chosen shall immediately enter on the duties of their office, and the places of the present school commissioners shall then cease and determine.

Limitation as to offices. 4. *And be it enacted*, That no member of the board of education shall be eligible to the office of superintendent of public schools in said city, nor to the office of secretary of said board.

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

Approved March 2, 1869.

CHAPTER XC.

An Act to incorporate the Maurice River Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Furman L. Mulford, Smith Shaw, junior, Samuel F. Fries, David Haley, Frank Godfrey and their associates and successors, be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "The Maurice River Steamboat Company," and shall possess the general powers and be subject to the general restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Corporators. Name.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, with liberty to the said company to increase the same to one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and that as soon as ten thousand dollars of the said capital stock shall have been subscribed, it shall be lawful for the said corporation to commence their business, and the remaining stock, or such parts thereof as the said directors may deem expedient for the successful operation of the company, may be subscribed for and paid in by such installments, and at such time or times as the said directors may direct; and the capital stock shall be employed in running one or more steamboats to and from Millville, in the county of Cumberland, and the city of Philadelphia, and stopping at such points on the Maurice river, Delaware bay and river, and their tributaries, as the directors may deem expedient, and shall be vested in the purchase or building of one or more steamboat Amount of capital stock. Capital stock, how employed

or boats, with the necessary machinery, furniture and apparatus, and in the repairs thereof, and in the purchase, renting, repairing or building of suitable landings, wharves and storehouses, 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; and each stockholder shall, in the election of directors, and all other important questions involving the interests of the corporation, at the annual or other meetings, have one vote for each share of stock he or she holds in said company.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Furman L. Mulford, Smith Shaw, junior, Samuel F. Fries, David Haley and Frank Godfrey, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such times and places within the county of Cumberland as they, or a majority of them, may direct, giving notice thereof at least two weeks prior to opening said books, by publishing the same in a newspaper published in said county; and at the time of subscribing for said stock five dollars shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in such installments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, having given the stockholders due notice; and upon the failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of the company.

Directors, and how elected.

4. *And be it enacted*, That when two hundred shares of said stock shall have been subscribed for in the manner aforesaid, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving each stockholder due notice, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, who shall be stockholders, who shall hold their office until the first Monday in January then next ensuing, of which election the said commissioners, or a majority of them, shall be judges, and at the expiration of said time and annually thereafter, on the first Monday in January, upon the like notice to be given by

the directors for the time being, the said stockholders shall elect by ballot, either in person or by proxy, the same number of directors; and within ten days after such election the said directors shall elect from their number a president, who shall hold his office one year and until another be elected; they shall also appoint a secretary and treasurer of said company, and employ all such officers, engineers and workmen as may be deemed necessary to carry into full effect the object of the corporation, and may exact from them such security for the due performance of their respective trusts as they may deem expedient; they shall also establish and regulate the fare to be charged for passengers and the rates of freight for every species of merchandise and marketing conveyed on their said boat or boats, and shall have the general superintendence and direction of all receipts and disbursements and all other affairs of said company. Officers.

5. *And be it enacted*, That the said directors shall at all times keep or cause to be kept at their office proper books of account, in which shall be regularly entered all the dealings and transactions of said company, of whatever kind, which shall at all times be subject to the inspection of the stockholders, and at the annual meeting of each and every year the directors shall submit to the stockholders a written statement of the amount of capital paid in, and the amount of all existing debts against the company, together with the general financial operations thereof. Books of account to be kept.

6. *And be it enacted*, That if two hundred shares be not subscribed and actually paid in within three years, or the said company fail to go in operation within five years from the approval of this act, then, in either case, this act and all the subscriptions under it shall be null and void; and the said commissioners or directors, as the case may be, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers or their representatives, in proportion to the sums paid by each. Limitation.

7. *And be it enacted*, That if an election of directors shall not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for this 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 office until others shall have been chosen in their stead. Not dissolved for failure to elect.

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

Approved March 2, 1869.

CHAPTER XCI.

An Act relative to sales of land for taxes in the City of Paterson.

How notices of sale of lands for taxes shall be published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any notice for sales of lands in the city of Paterson, heretofore made, or hereafter to be made for unpaid taxes, shall be sufficient in law to all intents and purposes if such notice shall be published in one of the newspapers published in the city of Paterson, for the time and in the manner required by the act entitled "An Act revising and amending an act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one, or by any of the supplements thereto; and that no law of this state shall be so construed as to require the publication of such sales for taxes in more than one newspaper of said city.

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

Approved March 2, 1869.

CHAPTER XCII.

An Act to incorporate the National Pottery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore W. Hill, Charles Moyer, Charles Hewitt, Timothy Abbott and George S. Green, and their associates be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of "The National Pottery Company," for the purpose of manufacturing, selling and dealing in earthenware and crockery of various descriptions, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of twenty-five thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid. Corporators. Name. Amount of capital stock.

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase, hold and mortgage real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be Election of directors.

held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, Theodore W. Hill, Charles Moyer and Charles Hewitt, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement required

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Place of business, &c.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the

Proviso.

settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

Restrictions and liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 3, 1869.

CHAPTER XCIII.

A Further Supplement to the act entitled "An Act to incorporate the Pleasantville and Atlantic Turnpike or Plank Road Company," approved March twenty-fourth, eighteen hundred and sixty-four.

May open road for travel and close the same before completion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Pleasantville and Atlantic Turnpike or Plank Road Company be and they are hereby authorized to open the road of the said company for public travel, and to close the same from time to time before the said road is completed.

Rates of toll.

2. *And be it enacted*, That it shall be lawful for the said directors, until the first day of September, one thousand eight hundred and seventy-two, to charge and receive toll for traveling over said road, for every mile or fraction over half a mile, not exceeding the following rates, to wit: for every carriage, sleigh or other vehicle, drawn by one beast, twenty cents; for every additional beast, twenty cents; for every horse or mule, either led or ridden, ten cents; for every dozen calves, sheep or hogs, twenty cents; for neat cattle over one year old, each five cents.

New Jersey State Library

Rates of toll.

3. *And be it enacted*, That after the first day of September, in the year of our Lord one thousand eight hundred and seventy-two, it shall be lawful for the said directors to charge and receive toll for traveling over said road for every mile or fraction more than half a mile, not exceeding the following rates, to wit: for every carriage, sleigh or other vehicle, drawn by one beast, five cents; for every additional beast, five cents; for every horse or mule, either ridden or led, three cents; for every dozen calves, sheep or hogs, four cents; for neat cattle over one year old, each two cents; and it shall be lawful for the toll-gatherers to stop all persons from passing through the gates of the aforesaid road or turnpike until the lawful toll shall have been paid.

Repealer.

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

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

Approved March 3, 1869.

CHAPTER XCIV.

An Act to incorporate the Boonton Iron Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Fuller, Horace W. Fuller, Charles D. Fuller, J. Couper Lord, Edward C. Lord, George De Forest Lord, and W. G. Lathrop, and their associates, successors and assigns are hereby created a body corporate and politic by the name of the "Boonton Iron Company," for the purpose of mining and smelting iron and other ores, and for the purchase, manufacture and sale of iron and other metals and materials, either as raw material or in any form of manufactured articles, with power to lease, purchase and hold such mines and mining rights, real and personal property as may be considered necessary for the due prosecution of its business, and to sell, lease, mortgage or

Name.

Special powers.

pledge the same or any portion thereof or any of the franchises of said company; and by that name they and their successors shall have all the powers, which, by the laws of this state, are now incident and belonging to corporations.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one million dollars, with power to increase the same, by a vote of a majority of the stock, to any sum not exceeding three millions of dollars, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property and shall be transferable in such manner as shall be prescribed in the by-laws of the said corporation, and the said company is authorized to commence business when five hundred thousand dollars of its capital stock shall have been subscribed, and ten per centum thereof paid in, and the whole or any portion of the said capital stock, original or increased, may be issued to the subscribers thereof in payment for any mines, mining rights or other real or personal property which may be required for the due prosecution of the business of the said company; *provided*, that such property be not taken in payment of such stock at more than its fair cash value at the time of payment; and no dividend shall be made to the stockholders except from the profits of said company.

May issue stock for mines, &c.

Proviso.

Directors to manage company.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board consisting of seven directors, being stockholders, who shall hold office for one year and until their successors shall be elected, and a majority of whom shall be a quorum; that George Fuller, Horace W. Fuller, Charles D. Fuller, J. Couper Lord, Edward C. Lord, George De Forest Lord, and William G. Lathrop, shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until the first Monday in March, eighteen hundred and seventy and until others are elected or appointed in their stead.

First directors

Assessments on capital stock, and forfeited for non payment.

4. *And be it enacted*, That the board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money or other property agreed to be given in payment for such subscriptions, and for any subscriptions to the increase of its capital stock, or any assessment thereon; and in case of the failure to pay such subscriptions, calls or assessments as they may appoint, the said board may at its election, after four weeks' notice of

such intention, advertised weekly in a newspaper published in Morris county, and ten days after notice given to the defaulting party, either personally or by depositing the same in the post office, addressed to him at his last known residence or place of business, declare the said stock and all previous payments thereon forfeited to the corporation; such stock and all previous payments upon, and all right to the same shall thereupon be forfeited, and belong to the said corporation; but nothing herein contained shall impair the right of the said corporation to compel payment of such subscription by way of specific performance or otherwise.

Election of directors annually.

5. *And be it enacted*, That the annual election of directors shall take place on the first Monday in March of each year after eighteen hundred and sixty-nine, at such time and place as shall be directed by the by-laws of said corporation; and all elections for directors shall be by ballot, and each share of stock shall be entitled to one vote, and the votes may be given in person or by proxy; two weeks previous notice of such election shall be given in a newspaper published in Morris county, and notice shall also be given by mail to such stockholders as shall enter their address with the secretary for that purpose, the persons having the greatest number of votes, being stockholders, shall be directors for the ensuing year; and any vacancy or vacancies occurring by death, resignation or otherwise, among the directors, may be filled for the unexpired term by the other directors; and if from any cause an election for directors should not take place on the day of the annual election, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered by the board of directors, and the directors shall hold over until others are elected in their places.

Failure to elect not to work a forfeiture.

Powers of directors.

6. *And be it enacted*, That the board of directors shall adopt by-laws designating the officers of the company, and their duties and mode of appointment, fixing a time and place for holding the annual elections, and prescribing all other such rules and regulations as they may deem necessary for the management of the affairs of this said company and the business of the board of directors, and shall have power from time to time to alter the said by-laws; *provided*, the same as adopted or altered shall not be contrary to the constitution of the United States or the laws of this state; and the board shall have power to hold meetings in the city of New York

Proviso.

when their convenience may require it, but the principal office of said company shall be located in Boonton, New Jersey.

Number of directors may be increased or diminished.

7. *And be it enacted*, That the number of directors may at any time be increased or diminished, or the capital stock diminished, or the corporation dissolved, by a vote of three-fourths of the stock, at a meeting called for that purpose, by a notice published once a week for four successive weeks in a newspaper printed in Morris county, and served upon all the stockholders, whose names shall appear as such on the books of the company, at least ten days previous to such meeting, by delivery thereof to them personally or by notice mailed to them at their last known residence, or place of business; upon such dissolution the directors or such persons as the stockholders shall appoint, and their survivors and successors shall be trustees, and as such shall have full power to realize, sell, convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

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

Approved March 3, 1869.

CHAPTER XCV.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Irvington Horse Car Railroad Company," approved March seventh, eighteen hundred and sixty-one.

May construct railroad through certain avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Newark and Irvington Horse Car Railroad Company to lay and construct their railroad from their railroad in Springfield avenue, in the township of Clinton, in the county of Essex, through Montgomery avenue, in said township, to South Orange avenue, and thence to connect with the road of the Orange and Newark Horse Car Railroad Company in the city of Newark;

Proviso. *provided*, that the said the Newark and Irvington Horse Car Railroad Company shall before laying so much of the track by this section authorized as will lie in said township of Clinton, obtain permission from the township committee of said township of Clinton, to lay the track in said highway known as Montgomery avenue, and shall before laying so much of said track by this section authorized, as will be in the city of Newark, obtain permission so to do according to law from the proper municipal authorities of said city, and the owners of property along the route.

May construct railroad in the streets of Newark with consent of council.

2. *And be it enacted*, That the Newark and Irvington Horse Car Railroad Company is hereby authorized and empowered to build and construct a railroad in any of the streets of the city of Newark, whenever the common council of the city of Newark by ordinance shall consent to the same, subject nevertheless to the provisions of the act requiring the permission or consent of a majority of the owners of land in front of any such railroad, and along which the same may be intended to run or be constructed.

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

Approved March 3, 1869.

CHAPTER XCVI.

A Further Supplement to an act entitled "An Act relative to the compensation and duties of the Law and Chancery Reporters of the State."

Compensation of law and chancery reporters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement be and the same is hereby continued in force for three years, unless sooner altered or repealed.

2. *And be it enacted*, That this act shall take effect from the fourth day of April next.

Approved March 3, 1869.

CHAPTER XCVII.

An Act to change the corporate name of the Roman Catholic Church in New Brunswick, in this state, and to confirm its title to certain lands and premises.

Preamble.

WHEREAS, with the intention and for the purpose of incorporating the Roman Catholic Church in the city of New Brunswick, in this state, by the name of "Saint Peters Catholic Church of New Brunswick, New Jersey," under and in pursuance of the provisions of the act entitled "An Act supplementary to the act entitled 'An Act to incorporate trustees of religious societies," approved April seventeenth, eighteen hundred and forty-six, which supplement was approved February seventeenth, eighteen hundred and sixty-four, a certificate under the provisions of said supplement was made on the twentieth day of September, in the year last aforesaid, and received and recorded in the clerk's office of the county of Middlesex on the twenty-second day of said month of September, certifying the corporate name by which the corporators in said certificate mentioned and their successors should be known and distinguished as a body corporate and politic; and whereas, in said certificate the said corporate name was by mistake certified to be "Saint Peter's" instead of "Saint Peter's Catholic Church of New Brunswick, New Jersey," as the same was intended to be; and whereas, since the recording of said certificate certain lands and premises in New Brunswick have been conveyed by the Right Reverend James Roosevelt Bayley, Bishop of the Roman Catholic Diocese of Newark, by deed dated December twentieth, in the year last aforesaid, and recorded in Book ninety-seven of Deeds for said county of Middlesex, on page nine, to said corporation by the said name of Saint Peter's Catholic Church of New Brunswick, New Jersey; therefore,

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of said corporation, incorporated as aforesaid by the name of Saint Peter's, be and the same is hereby changed to Saint Peter's

Catholic Church of New Brunswick, New Jersey, and that the title to said lands and premises shall be and be held to be in the said corporation as fully to all intents and purposes as if at the time of the making of said deed the name of said corporation had been Saint Peter's Catholic Church of New Brunswick, New Jersey.

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

Approved March 3, 1869.

CHAPTER XCVIII.

A Supplement to "An Act to authorize the inhabitants of the township of Deerfield, in the county of Cumberland, to vote by ballot at their annual town meetings," approved March eighteenth, eighteen hundred and fifty-nine.

Fixing time of election of overseers of road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement, be and the same is hereby repealed, and that hereafter the election for overseers of the respective road districts in said township shall be held at the same time and in the same manner as the election for other officers of said township is held.

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

Approved March 3, 1869.

CHAPTER XCIX.

An act to incorporate the American Eagle Steam Guage Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Herman Schalk, Peter H. Ballantine, Anning Smith, William H. Gomersall, John J. Flannigan, Charles T. Zeigler, Albert H. Silvester, George Woodward and George W. Wilson, and such other persons as they may associate with them, and their successors, shall be and are hereby created a body politic and corporate, in fact and in law, by the name of "American Eagle Steam Guage Company;" that the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, which shall be subscribed and paid in at such times, upon such notice and in such manner and installments as the directors of said corporation, by their by-laws or otherwise, may direct; that such payments shall be made in money or in real or personal property, including patent rights necessary for the business of the said corporation; and in case of payment in real or personal property, including patent rights, the directors of said corporation may issue in payment therefor the stock of the said corporation, upon such terms as they may deem best for its interests, and that in case of the failure of any stockholder to pay any installment on his or her stock at the place and within thirty days of the time appointed by the directors of the said corporation for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares of stock, and of previous payments thereon, for the use and benefit of said corporation.

Corporators.

Name.

Amount of capital stock.

How payments may be made for stock

2. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of stock shall entitle the holder thereof to one vote either in person or by proxy.

Stock transferable.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by

Directors, how chosen.

this act when twenty-five thousand dollars of its capital stock shall be subscribed for and paid in; that the affairs of the said corporation shall, after its organization, be managed by nine directors, to be chosen, except as hereinafter provided, by the stockholders of the said corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, five of whom shall constitute a quorum for the transaction of business, and which directors shall serve for one year and until others are chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Essex; said directors shall from time to time elect a president of the corporation from their own number, who shall hold his office until the next annual election for directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that reason be dissolved, but such election shall be held at any time thereafter; *provided*, two weeks notice shall be given of such election by the publication thereof in some newspaper published in the county of Essex.

Officers.

Proviso.

First directors

4. *And be it enacted*, That Herman Schalk, Peter H. Ballantine, Anning Smith, William H. Gomersall, John J. Flannigan, Charles T. Zeigler, Albert H. Silvester, George Woodward and George Wilson, shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation, and a majority of them shall, as soon as convenient after the sum of twenty-five thousand dollars of said capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Objects of corporation.

5. *And be it enacted*, That the said corporation be and the same is hereby authorized and empowered to carry on the business of manufacturing, buying, selling and dealing in steam guages of every kind, and steam guages patented by letters patent granted by the United States to Morris Bottticher and by him assigned to Herman Schalk, which letters patent are dated the twenty-fourth day of December, anno domini one thousand eight hundred and sixty-seven, and the business of manufacturing, selling, and dealing in all articles

incident thereto, and to take, hold, use, possess, convey, mortgage and dispose of real and personal property necessary for the conducting of their business; and said corporation shall at all times have an office in the city of Newark in this state, where a legal process may be served on it.

May increase capital stock.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time as the board of directors shall determine, to an amount not exceeding one million dollars, when two hundred and fifty thousand dollars is paid in.

Powers of corporation.

7. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property, and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.

Proviso.

Property subject to tax.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals, and that the said corporation shall not be subject to any other tax whatever, and its stockholders shall not be subject to any tax on any stock of said corporation held or owned by them or any of them.

General powers.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An act concerning corporations," approved February fourteenth, anno domini one thousand eight hundred and forty-six, and the several supplements thereto so far as the same are applicable.

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

Approved March 3, 1869.

CHAPTER C.

An Act to divide the township of Franklin, in the county of Somerset, into two election districts.

Division of township into two election districts and boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Franklin township, in the county of Somerset, shall be divided into two election districts; that the new district shall comprise all that part of said township lying north of a line commencing in the southerly line of said township of Franklin, opposite and near what is known as the Three-mile Run Hotel; thence following the public road westerly until it strikes the so-called Amwell road, in front of and near the residence of James Stotoff, Esq.; thence following said Amwell road westerly until it strikes the public road leading to the Cedar-grove school house, and near the residence of J. Zabriskie, Esq.; thence following said public road until it strikes the public road leading to Weston, and near said school house; thence following said public road until it strikes the Delaware and Raritan canal, near the residence of the late C. J. Van Buskirk; thence in an air line to the Millstone river, and opposite the residence of A. L. Voorhees, Esq.; and that this new district shall be called the election district number two for Franklin township, in Somerset county.

Annual town meeting.

2. *And be it enacted*, That the annual town meeting be held in each of the election districts of the said township of Franklin, at the time now provided by law for holding the same in the other townships of Somerset county, and that the persons qualified to vote at such town meetings shall vote by ballot at the next town meeting, and at all future elections throughout said township and election district.

Town officers.

3. *And be it enacted*, That the town officers hereafter elected in Franklin township shall be voted for in each of said election districts.

First election.

4. *And be it enacted*, That the legal voters of the second election district, or as many of them as may be present, shall at their next town meeting, and immediately before opening the polls, elect "viva voce" by a majority of votes, a clerk, one judge and two inspectors of election, who shall be legal

voters of said district, and who shall preside at such election only, and constitute the board thereof.

Election district officers

5. *And be it enacted*, That in each of the said election districts, at their next annual and succeeding town meetings, a clerk, one judge, and two inspectors of election shall be elected, who shall perform the same duties, and be subject to the same penalties, as is now provided by law for clerk, judges and inspectors, and that the township clerk shall constitute one of the district clerks, and preside in the district in which he may reside.

Where first annual meeting shall be held.

6. *And be it enacted*, That the next annual town meeting of the election district number two for Franklin township, be held at the village now known as South Bound Brook, on the second Monday in April next, and that the clerk of the township of Franklin shall cause to be posted in five of the most public places in said election district, fifteen days prior to said town meeting, notices of the time and place of the same, and said notices shall contain the boundaries of said district.

Repealer.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act so far as concerns this act, be, and are hereby repealed.

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

Approved March 3, 1869.

CHAPTER CI.

An Act to incorporate the Mechanics' and Laborers' Savings Bank of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles G. Sisson, Patrick Brady, John McBride, Eneas Fitzpatrick, Patrick Reilly, Leon Abbett, Sidney B. Bevans, Francis Stovekin, Charles W. Perveil, James Keary, T. O'Callaghan, Patrick Sheran, Hugh McKay, Henry Carroll, John Halliard, for the time being be, and they are hereby incorporated by the name and

Name.

style of the Mechanics' and Laborers' Savings Bank, and that they and such others as shall be elected members of the said corporation by the board of managers, shall be and remain a body politic and corporate by the same name, style and title.

Conducted by board of managers.

2. *And be it enacted*, That the said institution shall be conducted by fifteen managers, and that when any manager shall fail to attend the meeting of the board or perform the duties devolving upon him as a member of the attending committees for the space of six successive months, without excuse satisfactory to the board, the board may, by vote, declare his position vacant, in which case, or in case of the death or resignation of any manager, the board of managers shall have power to fill such vacancy at the first regular meeting after such vacancy shall occur, by a vote of a majority of members present, and that the persons named in the first section of this act shall be the first managers of the said corporation.

Officers.

3. *And be it enacted*, That the said corporation shall meet at their office on the first Monday of June and December in each year, and as much oftener as a majority of said managers may judge expedient, and any five members of said corporation, the president or vice president being one, shall constitute a quorum, and the said corporation shall give at least ten days' notice of the meeting, and shall have power to choose a president, vice president and treasurer, and such other officers as to them shall appear necessary, which officers so chosen shall continue in office for one year and until others are chosen in their stead, and all officers so chosen shall respectively give such security for their fidelity and good conduct as the board of managers may from time to time require, and said board shall fix the salaries of such officers and agents before entering upon their duties.

Place of business.

4. *And be it enacted*, That the office or place of business of the said savings bank shall be in the city of Jersey City, and that the books of the said corporation shall be at all times open for inspection and examination to such person or persons as the legislature may from time to time delegate.

May receive deposits and execute trusts.

5. *And be it enacted*, That the said corporation may receive from any person or persons disposed to obtain and enjoy the advantage thereof, any deposit or deposits of money, and of using and improving the same for the purposes, and according to the direction herein mentioned, and the said

corporation may accept and execute all such trusts of every description, and receive any moneys that may be committed or given to said corporation by last will, or by order of any court or otherwise.

Married women may make deposits and receive dividends.

6. *And be it enacted*, That it shall be lawful for the said corporation to receive any deposit or deposits of money from any married female or females, and to hold the same, together with such dividends as may accrue thereon, as the sole and separate property of the depositor thereof, as if she was single, not subject to the control or disposition, nor liable for the debts of her husband, and to repay the same, or any part thereof, and the dividends or any part thereof upon the order, check, receipt or demand of the depositor, without the knowledge or consent of her husband, and such payment shall exonerate and discharge the said corporation from any further liability respecting the said deposit or deposits and the dividends thereon, to the amount thereof so paid by them.

Investment of moneys.

7. *And be it enacted*, That all deposits of money received by the said corporation shall be by them used and improved to the best advantage, and the income or profit thereof shall be by them applied and divided among the persons making the said deposit, their executors or administrators, in just proportion, after reasonable deductions for necessary expenses, and the said principal sum shall be repaid to such depositor, their executors or administrators, at such times and with such interest, and under such regulation as the board of managers shall from time to time prescribe.

Deposits to be entered in a book.

8. *And be it enacted*, That all deposits and payments shall be regularly entered on the books of the corporation, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made; the bank shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on the fractional parts of a dollar, nor shall the bank be required to allow interest for the fractional parts of a month.

Depositor may appoint a person to receive moneys

9. *And be it enacted*, That a book shall be kept at the office of the corporation, in which every depositor shall be at liberty to appoint some person or persons, to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to such person so appointed, shall be a full discharge to said corporation.

10. *And be it enacted*, That the said corporation shall in-

Investments limited.

vest no money in any public stock, other than such as are created under the laws of the United States, or the states of New Jersey, New York, or in the public stocks of Jersey City, or Newark, in this state, or of the cities of New York or Brooklyn, in the state of New York, authorized by the laws of said states respectively, nor on bond and mortgage, except on real estate worth at least double the amount of the sum invested, above all encumbrances, nor in the stock of any incorporated company whatever.

Special powers.

11. *And be it enacted*, That the said corporation may have a common seal, which they may change and renew at pleasure, and may acquire and hold any real estate or property necessary for their business or security, and dispose of the same, and that all deeds, conveyances, grants, covenants and agreements made by their president, or any other person by their authority and direction, according to their constitution, shall be good and valid, and the same corporation shall at all times have power to sue and to be sued, and may defend, and shall be held to answer by the name and style aforesaid.

May hold real estate.

12. *And be it enacted*, That the said corporation may purchase real estate under judgment upon any bond and mortgage taken by such corporation pursuant to its charter; *provided*, no purchaser can be found who will pay for such real estate the amount of lien which said corporation may have upon it, and the said corporation may hold such real estate, so purchased, until a purchaser shall be found who will pay for the same at least its fair market value.

Proviso.

No misnomer shall defeat gift, grant, or devise.

13. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, contract or conveyance shall vitiate or defeat the same; *provided*, said institution shall be sufficiently described so as to ascertain the intentions of the parties.

Proviso.

May make by-laws and enforce the same

14. *And be it enacted*, That the said corporation hereby are and shall be vested with the power of making by-laws for the more orderly managing their business; *provided*, the same are not repugnant to the laws or constitution of this state or the United States.

Annual report to be made

15. *And be it enacted*, That it shall be the duty of this corporation to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, of

three or more of their number, of the state of its funds, which statement shall be published in one or more of the newspapers published in said Jersey City.

16. *And be it enacted*, That this act shall continue in force during the pleasure of the corporators, but the legislature may at any time amend or modify the same. Limitation.

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

Approved March 3, 1869.

CHAPTER CII.

Supplement to the act entitled "An Act to incorporate the Forrest Cranberry Company," approved April third, eighteen hundred and sixty-eight.

WHEREAS, The Forrest Cranberry Company, through inadvertance, omitted to pay the state tax and assessment required by law on their charter, but are now willing to pay for and receive the same; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the above company is hereby renewed, and shall have effect from the day of the passage thereof, upon the payment of the state tax and assessment due thereon, and on this supplement, before the first day of July next. Renewal of original charter.

2. *And be it enacted*, That the capital of said company may be increased forty thousand dollars; and that this act shall have immediate effect.

Approved March 3, 1869.

CHAPTER CIII.

An Act to revise and amend the Charter of the Town of Orange.

TITLE FIRST.

Of Boundaries and Civil Divisions.

Boundary lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex contained within the boundary lines of the town of Orange, as now established by law, shall continue to be a town by the name of "The Town of Orange," and that all the inhabitants of this state residing within such limits, and their successors, are hereby constituted and continued a body politic and corporate, in fact and in law, by the name of "The Town of Orange," and, by that name, shall and may have perpetual succession, and shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits and actions whatsoever; and shall and may have a common seal, and alter the same at pleasure, and, also, shall and may, by their corporate name aforesaid, be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the corporation, and shall, also, by virtue of this act, continue to be absolutely vested with, and shall possess and enjoy, all the lands, tenements, hereditaments, property, rights and causes of action, in possession, reversion or remainder, of every kind and description whatsoever, which are now vested in or belong to the said inhabitants, under and by their present corporate name.

Incorporation of town.

Boundaries of wards.

2. *And be it enacted*, That the said town shall be divided into three wards, in manner following, to wit: The First Ward shall comprise all that part of the town lying east and south of a line to be drawn from the boundary line of the township of South Orange, along the middle of Centre street to Main street, and thence along the middle of Main street to the centre of Parrow's brook, and thence northerly in a direct line (which,

if continued, would run to the intersection of North Park and Washington streets, in the township of East Orange,) to the boundary line of the township of East Orange; the Second Ward shall comprise all that part lying north of the middle of Main street, and west of the west line of the First Ward; and the Third Ward shall comprise all that part lying west of a line to be drawn through the middle of Centre street, and south of a line to be drawn through the middle of Main street.

TITLE SECOND.

Election and Appointment of Town and Ward Officers.

Election of town officers.

3. *And be it enacted*, That an election for town and ward officers shall be held on the second Tuesday in March, in each year; and that the same shall be held, in each ward, at some place to be designated by the common council of the town, and to be advertised by the town clerk for at least ten days previous thereto, by notices put up in at least ten of the most public places in the town, and shall be conducted by the assessor and two judges of election in and for said ward; and that a ward clerk, previously appointed by said common council, shall act as the clerk of said election; and that, except as may be herein otherwise provided, said election shall be conducted in the same manner, and subject to the same rules, as elections for members of the legislature of this state.

Who shall conduct all elections.

4. *And be it enacted*, That all elections which may be held in said town for state or county officers, as well as for members of congress and electors of president and vice president of the United States, and other officers of the state and general governments, shall be conducted, in each ward, by the said assessor and judges of election; and the said ward clerk shall act as clerk of election thereat.

Annual charter election.

5. *And be it enacted*, That, at the annual charter election, on the said second Tuesday in March, there shall be elected, by ballot, and by the legal voters of the town, in their respective wards, one mayor, and two surveyors of the highways, for the town at large; and, in the same manner, for each ward, one member of the common council, two judges of election, one assessor, one commissioner of public schools, one chosen freeholder, one commissioner of appeals in cases of taxation, and as many justices of the peace and constables as such ward may be entitled by law to elect; and that all such

officers, except the common councilmen, justices of the peace, and commissioners of public schools, shall hold office for the term of one year; and that said common councilmen, and said commissioners of public schools, shall respectively hold office for the term of three years, and said justices of the peace for five years; *and provided*, that, in such election, no ballot shall be counted for judges of election which shall contain the name of more than one person for such office, and that the two persons receiving the highest number of votes shall be declared to be elected as such judges; *and provided, also*, that all the present officers of said town shall continue in office until their terms of office shall have expired, and until others shall have been elected or appointed to fill their places.

Proviso.

Proviso.

Vacancies, how filled.

6. *And be it enacted*, That whenever a vacancy shall occur in any of the offices mentioned in the fifth section of this act, whether by refusal or neglect to serve, death, resignation, removal from the ward in which the officer was elected, or by any other cause, it shall and may be lawful for the common council to appoint another person to fill such vacancy until the next annual charter election; *provided, however*, that in the case of a vacancy in the office of common councilman or justice of the peace, the same shall be filled by a special election, to be held in the same manner as the annual charter election, and under the appointment of the common council, and after at least ten days' notice by advertisements set up in at least ten of the most public places in said town; *and provided also*, that if at any annual charter election there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is intended to be voted for, shall be designated on the ballot.

Proviso.

Proviso.

Duties of officers of election.

7. *And be it enacted*, That at the close of any such annual or special charter election, the officers holding the same shall proceed, without delay, to count the votes cast for the several candidates voted for in said election, and shall make out, under their hands, a certificate of the result, and shall, within three days after such election, deliver said certificate unto the town clerk; and that at the annual meeting of the common council (which annual meeting is to be held on the fourth Tuesday of March), the said certificate is to be laid before said common council, and that they shall, either then or at their next meeting, proceed in a public manner, to canvass the number of votes given for the said several candidates;

Council shall canvass returns.

and that said common council shall be the final judges in said canvass, and shall ascertain and determine, by a majority of their whole number (without any appeal from their decision, except in the case of justices of the peace) which of the said candidates shall have been elected to fill such offices; and that in case of an equal number of votes having been given for two or more candidates for the same office, the said common council shall, by ballot, and by a majority of their whole number, elect one of the said candidates to fill said office; and that the result of such canvass or election shall, within five days thereafter, be entered upon the record of the proceedings of said common council, and also be certified, under the hands of the mayor and town clerk, to the clerk of the court of common pleas of said county, for preservation in the files of his office.

Officers to be appointed by council.

8. *And be it enacted*, That the common council shall, at their discretion, and from time to time, appoint and remove a town clerk, a town counsel, a collector of taxes, an auditor of accounts, a sealer of weights and measures, a marshal, a chief engineer of the fire department, a pound keeper or keepers, an overseer of the poor, a street commissioner, five commissioners of assessments, five commissioners of the sinking fund, and as many policemen, assistant engineers, firemen, and other officers and agents as they shall think necessary for the governing of the town, and the carrying into effect of the powers and duties imposed upon them by this act; and that every person so appointed shall be a resident and legal voter of the town, and shall not be a member of the common council, and shall continue in his office until the same shall be declared vacant, or until another person shall be appointed to succeed him therein, and shall enter upon the duties thereof.

Compensation of such officers.

9. *And be it enacted*, That all officers mentioned in this act, and whose pay is not therein specifically provided for, shall be entitled to receive such compensation for their services, in addition to the fees allowed them by any general law of this state, as may be from time to time fixed and determined by the common council.

An oath required to be taken.

10. *And be it enacted*, That every mayor, common councilman, assessor, collector of taxes, marshal, commissioner of appeals in cases of taxation, commissioner of public schools, auditor of accounts, commissioner of assessments and commissioner of the sinking fund, appointed or elected under this

act shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before the town clerk or a justice of the peace (who are hereby authorized to administer the same), faithfully and impartially to execute the trust reposed in him, to the best of his ability and understanding; and that the town clerk shall, in like manner, take and subscribe before the mayor or a justice of the peace, the same oath or affirmation that is by law required of clerks of townships; and that all the said oaths or affirmations shall be filed in the office of the said town clerk; and that constables and surveyors of the highways shall take and subscribe the same oath or affirmation that is now required of them by law.

Bonds required.

11. *And be it enacted*, That the collector of taxes, street commissioner, overseer of the poor, marshal, constables and commissioners of the sinking fund, as well as other officers of the town of whom it may be required by the common council, shall, before entering upon the duties of their respective offices, severally make and execute their bonds to "The Town of Orange," for the true and faithful performance of their said duties, in such forms, and for such sums, and with such sufficient freehold securities as the said common council shall direct and require; and that in the case of constables, such bonds shall conform as closely as may be to the form prescribed in the first section of the act entitled "An Act respecting constables;" and that such bonds when approved by the common council, shall be filed in the office of the town clerk, and may be sued upon and prosecuted in the same manner, or as nearly so as circumstances will admit, as the bonds of like officers are or may be under any other law or laws of this state.

Offices vacant if persons do not qualify.

12. *And be it enacted*, That if any person so elected or appointed to any such office, shall not qualify as aforesaid, within ten days after said canvass of such election or after said appointment by the common council, his office shall be deemed and taken to be vacant.

TITLE THIRD.

General Powers, Duties and Compensation of Town and Ward Officers.

I. THE MAYOR.

13. *And be it enacted*, That the mayor shall be the chief

executive officer of the town; that he shall, when present, preside at all meetings of the common council, and in case of a tie, shall have a casting vote in their proceedings; that he shall call special meetings of the common council, at any time, either at his own suggestion, or upon the request, in writing, of any three members thereof; that all ordinances of the common council shall, before taking effect, receive his approval in writing, or, else, be returned by him to the town clerk, within fourteen days after the passage of the same, with a written statement of his objections thereto; that he shall sign each ordinance which has been approved by him, after it shall have been engrossed by the town clerk in the book of ordinances; that he shall grant all such licenses as shall be authorized by the common council; that he shall sign all declarations of the sale of lands and real estate for unpaid taxes or assessments, all warrants for the drawings of moneys from the collector of taxes, and all notes, bonds or obligations of the town for the payment of money; that he shall, at his discretion, authorize the compromise or settlement of any action to be brought for the violation of a town ordinance; that he shall, in cases of emergency, be at liberty to appoint special policemen for temporary service, who shall have all the powers and perform all the duties of the policemen of the town, and shall receive the same compensation during the time of such service; that he is hereby invested with all the powers that the police justice of the town is now or may be hereafter invested with, and is hereby authorized, on witnessing any breach of the peace, forthwith, and without warrant or other process, to commit the offender or offenders for a hearing; that, for the purpose of quelling any riot, disturbance or disorderly assemblage, he shall have the control of all the constables and police force of the town, and have the right to call upon the citizens for aid; that he shall, at least once in each year, communicate to the common council a general statement, in writing, of the situation and condition of the town, in relation to its government, finances and improvements, with such recommendations as he may think proper; that he shall be vigilant in causing the ordinances of the town to be enforced, and shall exercise a constant supervision over the acts and conduct of all subordinate officers, and examine into all complaints that may be preferred against them; that he shall, ex-officio, be one of the commissioners of the sinking fund, and shall perform all such

Duties and powers of mayor.

duties as shall be required of him as such commissioner; and that he shall receive no compensation for his services.

II. THE COMMON COUNCIL.

Common council, their powers and duties.

14. *And be it enacted*, That the common council shall consist of nine members, of whom three (or one from and for each ward) shall be elected annually, and shall severally hold office for three years, or, in case of a vacancy, for the unexpired period of such term; and that they shall hold an annual meeting on the fourth Tuesday in March in each year, and such other regular meetings as they may from time to time appoint; that special meetings shall be called by the mayor, at any time, either upon his own suggestion, or upon the request in writing of any three members; that, in the event of the mayor being absent at any meeting, they may choose one of their own number to preside pro tempore; that they may adopt, alter and repeal by-laws for their own government; that five members shall constitute a quorum for the transaction of business, but any smaller number may adjourn from time to time, and may compel the attendance of absent members; that, in the failure of any member to attend the regular meetings of the council for three successive months, or more, the other members shall have power to declare his seat vacant; the town clerk (or, in his absence, such person as they may appoint pro tempore,) shall keep an accurate record of all their proceedings; that no ordinance shall be passed, except with the concurrence of five members, nor until it shall have been presented and read at a previous meeting; that no ordinance shall take effect until a copy thereof, duly certified by the clerk, shall, within two days after its passage, have been laid before the mayor and approved by him in writing, except in the cases hereinafter provided; that, in case the mayor shall not return any ordinance, so laid before him, within fourteen days after its passage, it shall take effect in the same manner as if he had approved it, as aforesaid, and that in case he shall return it to the town clerk, within the time above named, with a written statement of his objections thereto, the common council shall, at their first regular meeting thereafter, enter such objections at length on the record of their proceedings, and may then proceed to reconsider and pass such ordinance by a vote of two-thirds of their whole number, and that then it shall take

Ordinances.

Must be approved by the mayor.

effect as aforesaid; that each and every ordinance, so passed as aforesaid, shall be published for four weeks in one of the newspapers published in said town; and that the enacting clause of such ordinances shall be in the words: "Be it ordained by the Common Council of the Town of Orange;" and that the members of the common council, collectively and individually, shall also possess the powers and perform the duties which by law belong to or are imposed upon members of township committees in the several townships of this state, so far as such powers and duties are consistent with the provisions of this act; and that each common councilman shall be entitled to receive the sum of two dollars for each day's attendance at any meeting of the common council, and shall not be entitled to receive any further compensation for that or any other service, or to hold any other office in the town, under any pretence whatsoever, or to be interested in any way, directly or indirectly, in any contract or work where the price or consideration is to be paid from the town treasury.

Ordinances to be published.

Enacting clause.

Compensation to councilmen

15. *And be it enacted*, That the common council shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper, for any or all of the following purposes, to wit:

Special powers.

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

To control finances.

II. To lay out and open any street, highway or alley within the town; to order and cause to be constructed any sewer or drain, whether open or covered, for the drainage of any street or public place; to order and cause any street, highway or alley, already laid out or which may be hereafter laid out, or any part or parts thereof, to be vacated, straightened, altered or widened; and to take and appropriate, for any of such purposes, any lands and real estate, upon making compensation to the owner or owners thereof, by the payment of damages, as is hereinafter mentioned and provided;

To lay out and open streets, &c.

III. To order and cause any street, highway or alley, or any part or parts thereof, to be graded, graveled, paved, macadamized, or otherwise improved, as to them may seem advisable;

To grade streets.

IV. To alter the grade of any street or highway, or of any part or parts thereof, upon the payment of damages to the owner or owners of any lands and real estate on the line thereof that may be damaged thereby;

To alter grades.

To establish boundaries of streets, &c.

V. To ascertain and establish the boundaries of all streets, highways and alleys, in said town, and to prevent and remove all encroachments that may have been or may be made thereon;

To regulate streets, &c.

VI. To regulate, clean and keep in repair all streets, highways and alleys, in said town, including the sidewalks and crosswalks; to prevent and remove all obstructions and encumbrances thereon; to direct and regulate the planting, rearing, trimming and preserving of shade-trees in the same, and to authorize or to prohibit the removal or destruction of said trees; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets, highways or alleys, by the owners or occupants of the premises fronting thereon; and, also, to forbid and prevent the removal of earth, gravel or any other road-making material from any street, highway or alley, without the consent of either the mayor, the committee on streets and highways or the street commissioner;

To widen and pave sidewalks, &c.

VII. To widen, straighten, level, grade, flag or re-flag, curb or re-curb, pave or re-pave the sidewalks and gutters in any street, highway or alley, or any part or parts thereof; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed upon the owner or owners of lands and real estate, on the line of said street, highway or alley, and to be collected, in the same way as assessments for laying out and opening streets;

Abate nuisances.

VIII. To dig down, drain, fill up and fence any lots, pieces or parcels of ground, in the town, in case the same shall, in their opinion, be necessary to be done in order to prevent or abate a nuisance; to prescribe the manner in which such work shall be done, and to cause the expense thereof to be assessed upon the owner or owners of said ground, whether improved or unimproved, and to be collected, in the same way as assessments for laying out and opening streets;

Drainage.

IX. To make and adopt a general plan of sewerage and drainage for the town, or any part or parts thereof; and to modify and change the same at pleasure;

Regulate awnings, &c.

X. To prevent or regulate the erection or maintenance of any awning, stoop, steps, platform, bay window, swinging-gate, cellar-door, area, descent into a cellar or basement, sign, banner, post, or erection or projection of any kind in, over or upon any street, highway, alley or public place; and to remove the same, when already erected, at the expense of the

owner or occupant of the premises in front of which the same may be;

XI. To prevent vice and immorality; to preserve public peace and good order; to prevent, disperse and quell crowds, riots, disturbances and disorderly assemblages; Quell riots.

XII. To restrain and suppress disorderly and gaming houses and houses of ill fame, as well as all instruments and devices used for gaming, and to prohibit and prevent all gaming and fraudulent devices of every kind; Restrain gaming houses.

XIII. To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons and gardens, billard tables and bowling alleys; and to regulate the hours of opening and closing the same; License restaurants.

XIV. To prohibit, restrain, regulate and license all sports, games, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions of any kind whatever; Regulate exhibitions.

XV. To prevent and punish immoderate driving or riding in any street or highway, driving over or upon any sidewalk, and any cruelty to animals; and to authorize the arrest and detaining, without warrant, of any person who may be guilty thereof; Prevent immoderate driving.

XVI. To regulate the speed of locomotive engines upon any railroad in the town; and to compel any railroad company to station and maintain flagmen wherever such railroad may cross any of the streets or highways of said town; Regulate speed of locomotives

XVII. To regulate, protect and improve the place known as "The Military Common," and any other public ground or grounds within the town; Improve "common."

XVIII. To provide and maintain lamps and gas fixtures, and to light the streets and public grounds; Lamps, &c.

XIX. To build and regulate wells, pumps, aqueducts and cisterns in the streets; Wells, &c.

XX. To establish and regulate one or more pounds, and to restrain and prevent the running at large or grazing of horses, cattle, swine and other animals, geese and other poultry, in the streets or public grounds; and to authorize the impounding and sale of such animals or poultry, for the penalty incurred, and the costs of impounding, keeping and selling the same; Pounds.

XXI. To regulate and prevent the running at large of dogs; and to authorize their destruction, when so found at Dogs.

large; and, also, to impose taxes upon the owners of all dogs, not exceeding five dollars for each animal per annum;

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

Markets, &c. XXIII. To locate, regulate and remove slaughter houses; to establish and regulate public markets; to designate the places, times and manner of selling meats, fish, vegetables and fruit, in such public markets, or in the public streets or grounds, and to prohibit the sale thereof, without having been duly licensed for that purpose;

Sale of hay. XXIV. To prescribe and regulate the places, times and manner of vending or exposing for sale any hay, straw or wood, from wagons or other vehicles;

Prevent annoyances. XXV. To regulate and prohibit any practice of any kind whatsoever having a tendency to frighten animals, or to annoy persons passing in or upon the streets or sidewalks;

Vagrants. XXVI. To restrain and punish drunkards, vagrants, mendicants and beggars, in any of the streets, highways, alleys, or public places of the town;

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

Nuisances. XXVIII. To designate and determine what are nuisances of every kind, and to abate and remove the same; and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist or be any matter or thing, which is or may by said common council be thought to be detrimental to the health of the inhabitants, to cleanse, remove or abate the same in a summary manner, at his or her own expense, and from time to time as often as they may deem necessary and shall direct;

Interments. XXIX. To regulate the burial of the dead; to prohibit interments within certain prescribed limits; to purchase land for public burial places; and to direct the keeping and return of bills of mortality;

Carts, hacks, &c. XXX. To license and regulate cartmen and porters; hack, cab, omnibus, stage and truck owners and drivers; carriages and other vehicles used for the transportation of passengers and merchandize, or goods and articles of any kind; auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, sweeps and scavengers; and to fix and determine the rates of compensation to be paid them; and to

prohibit unlicensed persons or vehicles from acting in such capacities or for such purposes;

Ringing of bells.

XXXI. To regulate the ringing of bells, the blowing of horns, and the crying of goods and other commodities for sale at auction or otherwise; and to prevent disturbing noises in the streets or public places;

Weights and measures.

XXXII. To regulate weights and measures in conformity with the standard of weights and measures established by law; and to require every merchant, retailer, trader and dealer in merchandize or property of any description which is sold by measure or weight, to cause his or her weights and measures to be sealed by the town sealer, and to be always subject to his inspection;

Night police.

XXXIII. To establish, regulate and control a day and night police, and to regulate the manner of their appointment and removal, their duties and their compensation; and to provide a suitable lock-up, or place for the temporary detention of criminals and offenders against the ordinances of the town, whether before or after conviction.

Rewards.

XXXIV. To offer rewards, from time to time, for the apprehension and conviction of persons engaged in crime.

Fire department.

XXXV. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of such department, their duties and their compensation; to provide fire engines and other apparatus, as well as engine-houses and other places for keeping and preserving the same; and, also, to provide a supply of water, in cisterns or otherwise, for the extinguishment of fires;

Regulate the manner of building houses, &c.

XXXVI. To regulate and control the manner of building dwelling houses and other buildings; and to regulate or prohibit, within certain limits to be prescribed from time to time, the erection of any dwelling house, store, stable or other building, or any addition thereto, to be composed wholly or partially of wood or other combustible materials; also, to regulate the construction of chimneys, and to compel the sweeping or cleaning thereof; as well as to prevent the setting up of steam engines, boilers, furnaces, flues, pipes, stoves, ovens, or other things, in any such manner as to endanger life or property; to prohibit the deposit of ashes in unsafe places; and to authorize any designated person or persons to enter upon, examine and inspect, at any time, any building or place for the purpose of ascertaining whether the same be in a safe

condition, and, if not, to compel the same to be made so under his or their direction, at the expense of the owner or occupant;

Regulate dangerous trades.

XXXVII. To regulate or prohibit the carrying on of trades or manufactures dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms; to regulate or prohibit the keeping, sale and conveying of gunpowder, camphene, spirit gas, petroleum, kerosene, benzine, and other dangerous articles, and the use of lights in barns, stables, and other exposed buildings; to raze or demolish any building or erection whatsoever when necessary, in the opinion of some officer or officers to be appointed for that purpose, to prevent the extension of a conflagration, and to provide for ascertaining and paying just compensation to the owners of property destroyed in such cases; and to require all further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts as the said common council may deem proper to prevent the occurrence and provide for the extinguishment of fires in the town;

Collecting taxes.

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

Duties and compensation of officers.

XXXIX. To prescribe and define the duties and compensation of all officers or agents appointed by the common council for any general or special purpose, and the penalty or penalties for failing to perform such duties, and the bonds and sureties to be given for the faithful discharge thereof; except as may be herein otherwise provided;

Sinking fund.

XL. To create and establish a sinking fund, for the gradual payment of any indebtedness of the town; and to provide for the raising of a sufficient sum of money by taxation in each year, to meet the annual installment that shall be required to be paid into such fund; and to provide for the honest and faithful disposition and management of the property of said fund.

General powers.

16. *And be it enacted*, That the common council shall have power to pass, alter and repeal any and all such additional ordinances, not contrary to the laws of this state or the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this or any other law.

May prescribe penalties.

17. *And be it enacted*, That in all cases where the common council shall have authority to pass ordinances on any

subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment for a term not exceeding thirty days, or by a fine not exceeding fifty dollars, or both.

Record of ordinances evidence.

18. *And be it enacted*, That the book of record of the ordinances of the said town shall be taken and received, in all courts and elsewhere, as evidence of the due passage of all the ordinances recorded therein; and any volume of ordinances to be printed by the authority of the common council shall, in like manner, be taken and received as evidence of their due passage; and the publication of such ordinances in a newspaper shall, in all cases, be presumed to have been made, until the contrary shall be made to appear.

Poor house.

19. *And be it enacted*, That the common council shall have the control of the poor house of the town, and may prescribe rules for its management, as well as for the maintenance and relief of the town poor, and for the guidance of the overseer and his assistants.

Power to raise by tax money for certain specified objects.

20. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they may deem expedient, or may be necessary, for any or all of the following purposes, to wit:

I. For lighting streets;

II. For the maintenance and support of the poor;

III. For regulating, cleaning and keeping in repair the streets, highways, side and cross-walks, and public grounds;

IV. For the support of public schools;

V. For the support of the police department;

VI. For the support of the fire department;

VII. For the payment of any indebtedness of the town, or of any interest upon any such indebtedness, or of any annual installment to the sinking fund, that may become due and payable in that year;

Proviso.

VIII. For the contingent expenses of the town; *provided*, that such tax (exclusive of the amounts appropriated for the lighting of streets, and for the payment of either principal or interest of or upon any indebtedness of the town, or any installment to the sinking fund,) shall not exceed one hundred cents on every one hundred dollars of the valuation of assessed property in said town, as ascertained by the assessors' returns in the previous year.

Council may borrow money from time to time.

21. *And be it enacted*, That the common council shall have power to borrow money, from time to time, for all pur-

poses for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of ten thousand dollars; and for any special purpose, such as the laying out, opening, straightening, altering or widening of any street, highway or alley, or the constructing of any sewer or drain, or the grading, graveling, paving, macadamizing, or otherwise improving of any street or highway, or any part or parts thereof, in anticipation of assessments for such improvement, to an amount not exceeding in the whole, at any one time, the sum of twenty thousand dollars; and to secure the payment of such loans by bond or other instrument, sealed with the common seal of the town, and signed by the mayor and town clerk; *provided*, that the time to be fixed for the payment of any such loan, including any renewal or renewals thereof, shall not exceed the term of one year.

Proviso.

III. THE TOWN CLERK.

Duties of town clerk.

22. *And be it enacted*, That the town clerk shall be clerk of the common council, and subject to their direction; that he shall attend all their meetings, and keep a true and full record of all their proceedings; that he shall have the custody of the seal, and all books and papers of every kind, belonging to the town, or which may be filed in his office; that he shall engross and attest all ordinances that may be passed by the common council, in a book to be prepared for that purpose, and shall request the mayor to sign the engrossed copies of such ordinances as have been approved by him; that he shall countersign and keep a record of all licenses granted by the mayor; that he shall receive and pay over to the collector of taxes, all moneys which by any law, ordinance or usage are or may be paid to the town clerk, and shall make report thereof to the common council, as often as once in every three months; that he shall countersign all warrants for the drawing of moneys from the collector of taxes, and countersign and seal all bonds, notes or other evidences of indebtedness to be made in behalf of the town, under the authority of the common council; that he shall record and carefully index in books to be kept for that purpose, all certificates and declarations of sale of lands and real estate for unpaid taxes or assessments, and all assignments thereof, and shall also attest the said certificates and

declarations of sale, and cancel the said certificates, when the said lands and real estate shall be redeemed; that he shall give certificates of search in such records for such certificates, declarations and redemptions, to all persons who apply for the same; and that he shall, in general, perform such other duties as are, or may be, required of him, or of township clerks, by this or any other law of this state.

Copies of papers filed with town clerk to be received in evidence.

23. *And be it enacted*, That copies of any and all papers, filed or kept in the office of the town clerk, and of the ordinances or records of the proceedings of the common council, or any part thereof, certified by the said clerk, under the common seal of the town, shall be received as evidence thereof in all courts and places whatsoever.

IV. THE COLLECTOR OF TAXES.

Duties of collector of taxes

24. *And be it enacted*, That the collector of taxes in and for the said town shall perform the same duties, and possess the same powers, and receive the same compensation as collectors of taxes in the several townships of this state perform, possess and receive, under the general laws in regard to taxes, except so far as may be herein otherwise provided.

25. *And be it enacted*, That the said collector of taxes shall also discharge and perform the duties which have heretofore been discharged and performed by the town treasurer, and shall deposit and keep all moneys received by him in behalf of the town, from taxes or assessments or otherwise, in some bank or other depository to be designated by the common council; that no money shall be drawn from said collector, or be expended by him for any purpose whatsoever, except upon the warrant of the mayor, countersigned by the town clerk and the auditor of accounts, and made in pursuance of the order of the common council; that he shall keep an accurate account of all his receipts and expenditures, and shall make report thereof to the common council as often as they shall direct; and that his books and vouchers shall always be open to the inspection of the mayor, or any member of the common council; that he shall, at the first meeting of said common council, in the month of March in each year, present to the common council a detailed statement of his receipts and disbursements during the preceding fiscal year, together with a statement of the condition of the town treasury at that time, which statement, after being found by the

common council to be correct, shall be published in a newspaper of the said town; and that he shall perform all such other duties as are required of him by subsequent sections of this act, in relation to the sale and redemption of lands and real estate for unpaid taxes and assessments, and the payment or tender of payment of damages assessed to the owner or owners of any lands and real estate, taken for or damaged by any general or local improvement.

V. THE SEALER OF WEIGHTS AND MEASURES.

Duties of sealer of weights and measures.

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

VI. THE JUDGES OF ELECTION.

Duties of judges of election.

27. *And be it enacted*, That the two judges of election to be elected in and for each ward, and each of them, shall perform the same duties, and be subject to the same responsibilities as are now or may be hereafter imposed upon single judges of election under the general laws of this state in regard to elections; and that they, together with the assessor in each ward, shall constitute the board of election in said ward, and that such assessor shall be the chairman of said board.

VII. THE SURVEYORS OF THE HIGHWAYS, ASSESSORS, COMMISMISSIONERS OF PUBLIC SCHOOLS, CHOSEN FREEHOLDERS, COMMISSIONERS OF APPEAL IN CASES OF TAXATION, AND CONSTABLES.

28. *And be it enacted*, That the surveyors of the high-

ways, assessors, commissioners of public schools, chosen freeholders, commissioners of appeal in cases of taxation, and constables, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with this act. Powers and duties of certain officers.

VIII. THE STREET COMMISSIONER AND OTHER OFFICERS (EXCEPT COMMISSIONERS OF ASSESSMENTS AND COMMISSIONERS OF THE SINKING FUND) APPOINTED BY THE COMMON COUNCIL.

29. *And be it enacted*, That the street commissioner, the town counsel, the auditor of accounts, the marshal, the chief engineer of the fire department, the pound keeper or keepers, the overseer of the poor, the policemen, the assistant engineers and firemen, and all such other officers and agents as may be appointed by the common council, shall respectively possess the powers, and perform the duties, and be subject to the obligations and responsibilities, conferred or imposed upon them, from time to time, by any ordinance or resolution of the said common council, or by any general law of this state, except so far as the same may be inconsistent with the provisions of this act.

IX. THE COMMISSIONERS OF ASSESSMENTS.

30. *And be it enacted*, That the common council shall and may, from time to time, appoint and remove five commissioners of assessments, who shall constitute and be known by the name of "The Board of Assessments;" that it shall be the duty of the said board to assess damages, in favor of any owner or owners of any lands or real estate that may be taken for, or may be damaged by, any such improvement as the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, as the case may be, and to assess such damages, fairly and equitably, upon the owner or owners of any lands and real estate on the line of said street, highway or alley, which in the opinion of said commissioners, will be benefited by such improvement; also, to assess the expense of any such improvement as the laying Board of assessments and their duties.

out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, or the grading, graveling, paving, macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof, or the widening, straightening, leveling, grading, flagging or re-flagging, curbing or re-curbing, paving or re-paving, of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, as the case may be, fairly and equitably, upon the owner or owners of lands and real estate on the line of said sewer or drain, or of said street, highway or alley, or said part or parts thereof; also, to assess the expense of any such improvement as the digging down, draining, filling up, and fencing of any lots, pieces or parcels of ground, as the case may be, fairly and equitably, upon the owner or owners of said ground, whether improved or unimproved; *provided*, that any number of the said commissioners, not less than three, shall have power to make any such assessment; *and provided, further*, that no commissioner shall act in any case where he is personally interested in the assessment which is to be made.

Proviso.

Proviso.

X. THE COMMISSIONERS OF THE SINKING FUND.

Commissioners of the sinking fund, and their duties.

31. *And be it enacted*, That the common council shall and may have power to appoint and remove, from time to time, five honest and discreet freeholders of the Town, who shall be known as "The Commissioners of the Sinking Fund," and who shall, under the direction of the common council, have the control, management and disposition of the said fund, and of the property and securities belonging thereto; and that the same, and all proceeds thereof, shall be held and kept inviolably for the redemption and payment of the indebtedness of the town, and shall be used for no other purpose whatsoever; that the mayor shall always, ex-officio, be one of the said commissioners; that they shall not, at any time, change, alter or dispose of, any of such property or securities, nor make any investment of any money in their hands, without having first obtained such direction and consent of the common council, by a resolution duly entered on the record of their proceedings; that all such property and

securities shall be taken and held in the corporate name of "The Town of Orange," and that it shall not be lawful to assign or transfer the same, except by deed of assignment and transfer, under the common seal of the town, and signed by at least three of the commissioners, besides the mayor, town clerk, and auditor of accounts; that the books, papers, property and securities, of every kind, which may be held by the said commissioners, shall be at all times open to the examination of the said auditor of accounts or any of the members of the common council; and that said commissioners shall, as often as at least once in each year, make a detailed report of all the property and securities in their hands; and that said report, after being verified and approved by the common council, shall be published in one of the newspapers of the town.

TITLE FOURTH.

The Police Department.

Police justice.

32. *And be it enacted*, That the governor of this state shall, from time to time, appoint some fit and discreet person to be the police justice of the said town; who shall hold his office for the like term, and be commissioned in the like manner, and be entitled to the like fees for like services, as justices of the peace in and for the several counties of this state, and who shall be amenable in like manner to the senate and general assembly of said state; but that said police justice shall not, by virtue of his office, be authorized to hear and try any civil action except such as may be brought to recover a penalty under an ordinance of the town, in which case he may act as a justice of the peace in his civil capacity; and that the common council may pay him such compensation, in addition to the said fees, as they shall deem proper.

His powers.

33. *And be it enacted*, That said police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in said town, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise.

Actions, how regulated.

34. *And be it enacted*, That, unless herein otherwise directed, all actions or proceedings before the said police justice shall, as nearly as may be, be regulated by the provisions of,

and conducted in the manner prescribed by the act entitled "An Act constituting courts for the trials of small causes," and the several supplements thereto; and that the court so held by said police justice shall be a court of record, and be vested for the purposes mentioned in this act, with all such power as is usual in courts of record in this state, including the power to award and issue writs of subpœna ad testificandum into any county of the state; *provided*, that no trial by jury shall be had, nor any appeal to the court of common pleas be allowed, except in those cases where the penalty sued for shall exceed the sum of twenty dollars.

Proviso.

Penalties for violations of ordinances enforced.

35. *And be it enacted*, That any penalty or penalties which may be ordained by the common council for the violation of any ordinance, may be enforced or collected, together with all costs of suit and execution, in an action of debt, to be brought before the police justice in his said court, in the name of "The Town of Orange," and (in the case of a fine) for the use of said town; and that, in such action, the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon oath or affirmation, made and filed before said police justice, and establishing to his satisfaction, by one or more particulars mentioned therein, that such warrant is necessary to secure the due enforcement of the ordinance against the person or persons complained of; that in such action it shall be lawful to declare generally in debt, and to give the special matter in evidence, and to amend the state of demand in all particulars; and that, on the return of the process, or at the time to which the said police justice shall have adjourned the trial of the cause, he shall proceed to hear the testimony and to determine the matter complained of, and to give judgment therein; and that if such judgment shall be given against the defendant or defendants, the said justice shall forthwith issue execution thereupon, either against the goods and chattels or against the person of the defendant or defendants, for the amount of the fine imposed, and the costs of suit and execution, or by warrant of commitment, directed to the keeper of the common jail of said county of Essex, and commanding him to receive and safely keep the said defendant or defendants for the term of his, her or their imprisonment; and that it shall be the duty of such keeper to whom such warrant shall be delivered to receive and keep such defendant or defendants, as so directed and commanded, until the time of such im-

prisonment shall have expired; *provided*, that in case a warrant shall be issued, it may, in the discretion of the police justice, be made returnable forthwith, so as to receive a summary hearing and determination of the matter complained of. Proviso.

36. *And be it enacted*, That the marshal and policemen to be appointed by the common council shall, in addition to the authority conferred upon them by the ordinances of the common council, possess and have all the powers of constables within the town limits, for the purpose of preserving the peace and enforcing the ordinances of the town; and that they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordinance, and to detain the offender or offenders in the town lock-up, or elsewhere, until he, she or they can be conveniently taken before the police justice, who is hereby authorized to hear and determine the complaint summarily. Marshal and policemen shall have the power of constables.

37. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, judgment or other proceeding to be had or made by the said police justice, by virtue hereof, unless the party applying for such certiorari shall enter into bond to "The Town of Orange," in the sum of one hundred and fifty dollars, with one or more good and sufficient surety or sureties, conditioned that such applicant shall prosecute the said certiorari, and shall pay the penalty recovered before the said police justice, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the higher court in the matter; which said bond shall be tendered to the justice granting said certiorari, to be by him filed with the clerk of the said court, for the benefit of the said "The Town of Orange;" and that it shall be lawful for the said police justice to charge and recive, before delivering his return to the said writ of certiorari, the sum of ten cents per folio for said return, the same to be paid by the person delivering to him the said writ. Certiorari, when allowed.

TITLE FIFTH.

The Board of Education.

38. *And be it enacted*, That the public schools within the said town shall continue to be under the management and Board of education to have control of schools.

control of the "Board of Education," as now organized and incorporated, and their successors; and that the said board, and their successors shall continue to be vested with all the powers and privileges appertaining to corporate bodies, including the right to have a common seal, and to change the same at pleasure.

How composed.

39. *And be it enacted*, That the said board shall continue to be composed of three commissioners of public schools from each ward; that the several commissioners now constituting said board shall severally remain in office until the expiration of their respective terms, as now allotted to them.

Powers of the board and of its officers.

40. *And be it enacted*, That the board of education shall meet and organize on the first Tuesday in May after the annual charter election in each year, and shall then elect by ballot, a president from its own body, who shall continue in office for one year; and in his absence, the board shall elect a president pro tempore; the board shall appoint its times and place of meeting, and determine the rules of its own proceedings; said board shall also appoint a secretary, who shall keep a journal of its proceedings, and perform such other duties as the board may prescribe; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of commissioners; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

School property to be conveyed to town of Orange.

41. *And be it enacted*, That the persons who were acting as trustees of "The Central School District" and "The Gerard School District," in said town, on the first day of March, in the year eighteen hundred and sixty-eight, or the survivors of them, or a majority of them, respectively, be and they are hereby authorized and required, without unnecessary delay, to convey and transfer unto "The Town of Orange," by deeds of conveyance under their respective hands and seals, all the real and personal property of every kind and description belonging to or vested in the said school district; and the said town of Orange, in their corporate capacity, shall thereupon assume and become liable to pay all the just corporate debts and liabilities of the said trustees respectively; and the common council shall provide for the payment of said debts, and of such other debts and liabilities as may hereafter be incurred by the said town in purchasing any real or personal property

Town will assume the debts.

to be used for school purposes, or in erecting or repairing school houses; and for that purpose the said common council may issue and negotiate, from time to time, the bonds or other obligations of the said town, bearing interest at a rate not exceeding seven per centum per annum, under the common seal, and signed by the mayor and clerk of the town; *provided*, that said bonds shall be redeemable at a period of time not more than twenty five years from the issuing thereof; *and provided further*, that the whole indebtedness of said town for school purposes, whether by bond or otherwise, shall not at any time exceed the sum of fifty thousand dollars. May issue bonds for the payment. Proviso. Proviso.

42. *And be it enacted*, That the common council shall, yearly and every year, until the said bonds shall be wholly redeemed and paid off, order and cause to be assessed and collected by tax in said town, at the time and in the manner that other taxes in said town are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same falls due, and to pay and discharge the principal by the time the same shall be payable; and all such money so to be raised, are hereby inviolably pledged to pay the interest and principal of said bonds. Payment of bonds provided for.

43. *And be it enacted*, That the board of education shall take charge of the public school houses in said town, and shall cause all necessary repairs to be made to the same; and that said board is also empowered to organize and establish public schools of different grades, adapted to the age and progress of the pupils, including evening school for apprentices, minors and adult persons; to select and employ teachers; to provide school books, school furniture and school libraries for the schools; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of said schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein; *provided*, that the said board shall at no time incur any liability exceeding the amount theretofore appropriated by the common council for school purposes. Duties of the board of education. Proviso.

44. *And be it enacted*, That the board of education shall, at least one month before the charter election in each year, prepare and transmit to the common council a report embracing the number of schools under the charge of said board; specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in Annual report to council.

each school, the annual cost of each and every school, and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses; and shall also transmit a copy of said report to the state superintendent of common schools; and the said board shall also, at the same time, prepare and transmit to said common council an estimate of the amount of money necessary for the support of public schools in said town for the ensuing year, which estimate shall be based upon the expenditure of the past year, and which shall particularly specify the sum required under the several heads as above stated; which report and estimate the common council shall cause to be published in one of the newspapers printed in said town, within ten days after receiving the same; the said board shall also, at any and all times, give such other information to the common council, in relation to the public schools, as the said common council shall by resolution require; and shall also promptly notify the said common council of any vacancy which may occur in the said office of commissioner of public schools.

Council shall determine the amount of money to be raised for schools.

45. *And be it enacted*, That the common council shall, on or before the first regular meeting in June, yearly and every year, in addition to the sum to be raised for the payment of the debt and interest incurred, for school purposes, determine by resolution the amount of moneys to be appropriated for the support of public schools in said town, in that year; which sum, in the aggregate, shall not exceed eight dollars, nor be less than five dollars, for each child contained in the list transmitted to the common council by the board of education, as hereinafter provided; and, after determining the sum of money to be appropriated, the council shall deduct therefrom the amount received, or to be received, from the school fund of the state for the current year, and the balance shall be ordained to be raised by a tax, which shall be assessed and collected in the same manner and at the same time that the other taxes of said town are assessed and collected; and when collected, shall be placed by the collector of taxes, in some bank or other depository to be designated by the common council, to the credit of "The Board of Education of the Town of Orange;" and the said collector shall pay, on presentation, all drafts drawn upon him by order of said board, duly attested by the signatures of the president and secretary of said board,

(which drafts shall state the purposes for which they are respectively given,) to an amount not exceeding the balance remaining on his books to the credit of the said board of education; and he shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as collector of the town.

Duties of assessors in relation to lists of children capable of attending school.

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

State appropriation for schools.

47. *And be it enacted*, That the said town shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law; and which shall, from time to time, be paid to the collector of taxes in said town, to be expended for the support of public schools in said town, according to the provisions of this act.

May appoint a town superintendent, &c.

48. *And be it enacted*, That the said board of education shall have power, from time to time, to appoint a town super-

intendent of public schools, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said town, to prescribe their duties, and to fix their compensation; said board shall also appoint two citizens of said town to constitute, with the superintendent, a board of examiners for teachers in the public schools of said town; all such appointments shall continue during the pleasure of the board of education, and no longer.

Duties of the board of examiners.

49. *And be it enacted*, That the board of examiners shall meet at such times and places as they shall appoint, to examine and license, by certificate under their hands and seals, suitable persons as teachers of public schools in said town, having regard always to scholarship and moral character; which certificate shall specify in what capacity the person so licensed is qualified to teach, and shall be evidence thereof, and which license may at any time be revoked at the pleasure of said board of examiners; and the board of education shall employ no person as a teacher in the public schools of the said town who has not such certificate from said board of examiners, and that no other certificate of scholarship shall be required.

Duties of the board in establishing schools.

50. *And be it enacted*, That whenever the said board shall determine to establish any school or schools in said town, they shall procure a suitable house or houses therefor, by hiring the same, or, (with the concurrence of the common council,) by purchasing land and erecting necessary buildings thereon, according to plans and specifications which shall be laid before the said common council and approved by them; the erection of which buildings, and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other building, shall be done by contract, proposals for which shall be advertised in the newspapers of the said town for at least two weeks previous to deciding thereon, unless the cost of such altering, furnishing and fitting up shall not exceed the sum of five hundred dollars; and, in all cases, such contract shall be awarded to the person proposing the lowest bid, who shall give satisfactory security to said board for the due and faithful performance thereof; said board reserving the right to reject all such bids, and to re-advertise for new proposals; and whenever any contract shall be made for purchasing a site for a school house in said town, or for erecting, altering, furnishing or fitting up any building for school purposes, it shall be the duty of said board of education

to lay before the common council such contract, or a copy thereof, together with a statement showing in detail the amount of money to be paid by the said town under such contract; and it shall be the duty of the said common council to appropriate, from time to time, such sum or sums of money as may be required by the board of education for the purpose of performing such contract; and all sums of money so appropriated shall be subject to the draft of said board; and said board may, with the assent of the common council, sell or exchange any public school property in said town.

Title of school property.

51. *And be it enacted*, That the title to all school property, real and personal, purchased with any money derived from the school fund, or raised by taxation or otherwise in said town, shall be vested in "The Town of Orange"; and the common council shall keep all the public school property in said town insured in some solvent insurance company or companies.

Actions, how brought.

52. *And be it enacted*, That all actions or other proceedings brought, or to be brought, in any court of law or equity, against any persons or persons, or body corporate, for damages for and on account of any injury to any property, real or personal, under the charge, control and management of the board of education, shall be in the name of "The Board of Education of the Town of Orange," notwithstanding that the legal title to said property may be vested in the said "Town of Orange;" and all damages which may be recovered in such actions or proceedings shall be paid into the town treasury, and placed to the credit of the board of education, and shall be appropriated by the said board for the support of public schools in said town.

TITLE SIXTH.

Of the Assessment and Collection of Taxes.

Taxes, how assessed and collected.

53. *And be it enacted*, That any and all sum or sums of money which may be ordained by the common council to be raised by tax in any year, shall be assessed by the assessors of the several wards, and shall be collected by the collector of taxes of the said town, in the same manner that the taxes in the townships of the said county of Essex are assessed and collected, except as is herein otherwise ordered, and except, also, that so much of said tax as may be raised for lighting

the streets of the town, shall be assessed upon the lands and real estate on the line of said streets, or such part or parts thereof as may be so lighted, and that the said assessors shall keep the amounts so assessed for the said lighting of streets in a separate column upon their duplicates, and shall be allowed three cents a name for such additional service, but that the collector of taxes shall receive no special compensation therefor.

Poll tax.

54. *And be it enacted*, That in addition to the poll-tax now or hereafter to be required by law, a poll-tax of fifty cents shall be assessed upon every white male inhabitant of the town liable to a poll-tax.

Time and manner of making assessments.

55. *And be it enacted*, That the said assessors shall make, in their respective wards, the assessments required of them by law, between the twentieth day of May and the last Tuesday of June in each year; that, in making such assessment, they are hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the respective owners thereof (when the said owners can be ascertained), and to designate the same, as far as possible, by the name and number of the street where situate, or by such other short description as will be sufficient to show the location and extent thereof; that only one assessment shall be made on any improved lot and any unimproved lands which may be connected therewith, and belong to the same owner; and that when maps shall be provided for the purpose by the common council, the assessors shall make their assessments conform as nearly as possible to said maps.

Meeting as a board of assessors.

56. *And be it enacted*, That the said assessors shall meet in some convenient place to be appointed by the common council, on the last Tuesday of June in each year, with power to adjourn from day to day, as they may see fit; and that, when so met, they shall constitute a board of assessors for the said town; and that it shall be their duty as such board, to review the several assessments made in their respective wards, and to diminish, increase, alter or confirm the same in such manner as to render the assessments through the whole town as just and as nearly equal as possible; and that such assessments, when so reviewed and approved by the said board, shall be the assessments of the said several wards, subject to the action as heretofore of the commissioners of appeal in cases of taxation; and that the said assessors shall

be severally allowed for such service, and for their attendance upon the meetings of said commissioners of appeal, the sum of two dollars per day.

Duplicates of assessments, when delivered to collector

57. *And be it enacted*, That it shall be the duty of the said assessors to deliver their respective duplicates of their said assessments to the collector of taxes in said town on or before the first Tuesday of September in each year; and that it shall be the duty of said collector of taxes, within thirty days after the receipt of said duplicates, to demand payment of said taxes, and to give notice as required by the eleventh section of the act entitled "An Act concerning taxes;" and that the commissioners of appeal in cases of taxation in and for the said town, shall meet at some place to be appointed by the common council, on the first Tuesday of October in each year, to perform the duties required of them by law; and that such commissioners may adjourn from time to time, as they may see fit.

When taxes are due and payable.

58. *And be it enacted*, That all such taxes so assessed shall become due and payable to the collector of taxes for said town, on or before the twentieth day of October in each year; and that all taxes which shall not be so paid on or before that date, shall draw interest from and after that date until paid, at the rate of two per centum per month; and that the payment of said taxes, with interest thereon as aforesaid, and all costs and fees, shall and may be enforced as is now or may be hereafter directed by any law of this state, or by a sale of lands and real estate as is hereinafter prescribed.

Annual statement of collector of taxes.

59. *And be it enacted*, That at the first meeting of the common council, in the month of November in each year, and as often thereafter as he may be thereto required by them, it shall be the duty of said collector of taxes to make a full statement or report, in writing, to the said common council, setting forth the amounts of money received by him for or on account of said taxes for that year, the several sums then remaining unpaid, and the names of the several persons then in arrears therefor; and that, on the first day of January next following, he shall prepare an abstract of all the unpaid taxes for the previous year, showing the names of the persons in arrear, and the description of the lands and real estate assessed, as the case may be, and as taken from the assessors' duplicates, and shall enter the same in a book to be kept in his office, and to be called "The Record of Unpaid Taxes;" and that the said collector of taxes shall be allowed, as com-

pensation for making such statement or report, and such abstract, such sum as may be from time to time fixed by the said common council.

Militia tax repealed.

60. *And be it enacted*, That all acts and parts of acts, by virtue whereof has been imposed any tax known as a militia tax, or a tax upon persons liable to do military duty, shall be, and are hereby repealed, so far as the same relate to the imposition of any such tax upon persons residing in the said town.

TITLE SEVENTH.

Of Streets, Highways, Sewers, and General and Local Improvements, and the manner of making Assessments therefor.

Ordinances in relation to sewers, streets &c.

61. *And be it enacted*, That when any ordinance shall be presented to the common council for making any improvement, such as the laying out and opening of any street, highway or alley; or the constructing of any sewer or drain; or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the grading, graveling, paving, macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof; or the widening, straightening, leveling, grading, flagging or re-flagging, curbing or re-curbing, paving or re-paving, of any sidewalk and gutter, in any street, highway or alley, or any part or parts thereof; or the digging down, draining, filling up, and fencing of any lot, piece or parcel of ground; public notice of such contemplated improvement shall be given by the town clerk, by publishing a copy of the proposed ordinance, for at least two weeks, in one of the newspapers of the town; and that the said notice shall also state the time and place of the meeting of the common council, at which they will proceed to consider the said ordinance; that at such meeting, ample opportunity shall be given to all parties in favor of or opposed to the said improvement, to present their views with reference to the same, in writing or otherwise, as the common council may at the time direct; and that the common council may, in their discretion, adjourn from time to time for a further consideration of the matter.

62. *And be it enacted*, That any ordinance which may be passed by the common council, for the laying out and opening of any street, highway or alley; or the constructing of any sewer or drain; or the vacating, straightening, altering, or widening of any street, highway or alley, or any part or parts thereof; shall be accompanied by a map, to be prepared under the direction of the common council, or to be accepted by them, as soon as conveniently may be after the passage of the ordinance; and that said map shall not only give the termini, courses and distances of the improvement, fully and particularly, as the same are described in the ordinance, but shall also show the lands and real estate to be taken therefor, and the name or names (as far as may be ascertained,) of the owner or owners of such lands and real estate; which map shall be filed in the office of the town clerk. Ordinance must be accompanied by a map of improvement.

63. *And be it enacted*, That as soon as may be after the completion of any such improvement as the laying out and opening of any street, highway or alley; or the constructing of any sewer or drain; or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the grading, graveling, paving, macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof; or the widening, straightening, leveling, grading, flagging or re-flagging, curbing or re-curbing, paving or repaving of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof; or the digging down, draining, filling up and fencing of any lot, piece or parcel of ground; the expense thereof, including surveying, and a moderate allowance (the same to be estimated by the common council,) for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the common council, and be entered by resolution upon the record of their proceedings; and that the amount so ascertained and determined, shall thereafter be treated as, and be held to be the true and actual cost of making such improvement. How cost of improvement shall be determined.

64. *And be it enacted*, That when any such ordinance, or any such resolution in relation to any such improvement, shall be passed by the common council, a copy thereof attested by the town clerk, shall, without delay, be handed by him to the board of assessments, or any member thereof; Damages and benefits, how assessed.

and the said clerk shall also give public notice for at least two weeks, in a newspaper printed in the town, of the time and place, (the same having been appointed by the common council,) when and where the board of assessments will meet to assess damages and benefits as aforesaid, or the expense of making any such improvement as aforesaid, as the case may be; and that the nature and object of such improvement shall be briefly stated in such notice so as sufficiently to identify the same.

Proceedings thereon.

65. *And be it enacted*, That the members of the said board of assessments shall attend at the time and place appointed as aforesaid; that three of their number shall be a quorum for the transaction of business, and shall be sufficient to make any assessment, but that one member shall have power to adjourn any meeting; that the board may adjourn from time to time, that it shall be their duty to give all parties interested in or affected by the improvement, ample opportunity to be heard upon the subject of the assessment; that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, which may be administered by any one of their number; and that they shall assess the said damages, benefits or expense, as the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken or damaged; that they shall certify their said assessment to the common council, by a report in writing, and signed by at least three of their number; that such report shall be accompanied by a map, showing not only the lands and real estate taken for or damaged by the said improvement, and for which they have so assessed damages, but also, any lands and real estate which in their opinion, are benefited by said improvement, or upon or by reason of which they have made any assessment for either the benefits or the expense of said improvement; that such report and map may be considered by the common council, at any meeting of which at least two weeks' previous notice shall be given by the town clerk in and by an advertisement in a newspaper printed in the town; that said notice shall briefly state the object of the meeting with reference to said assessment, and that at that or any subsequent meeting the said common council, after considering the said report and map, shall and may adopt and ratify the said report, with or without alteration,

as to them may seem proper; that it shall be lawful for the said common council to refer the matter to any committee of their own body for further examination, before taking final action upon it; and that when the said report shall be so adopted and ratified, whether with or without alteration, as may happen, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands taken or damaged, as is hereinafter provided; and that such compensation shall be paid to the commissioners of assessments for any services so rendered by them as shall in each case be determined by a resolution of the common council.

May assess part of benefit or expense on town.

66. *And be it enacted*, That the common council, in considering the said report and map, shall have the power, in their discretion, to assess any part (not exceeding the one-fourth part.) of the said benefits or expense attending or occasioned by the said improvement, upon the town at large, and the remainder thereof upon the owner or owners of the said lands and real estate benefited by, or upon the line of, said improvement, as aforesaid.

Notice to owners.

67. *And be it enacted*, That no notice to the owner or owners of said lands and real estate to be taken for, or to be damaged or benefited by, said improvement, or to be assessed for such benefits, or for the expense of making said improvement, shall be required other than the several notices mentioned in the sixty-first, the sixty-fourth, and the sixty-fifth sections of this act.

Persons aggrieved may appeal to supreme court.

68. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages, for any lands and real estate taken for or damaged by any such improvement, may appeal to the supreme court of this state, at any time within sixty days after the final adoption of said report by the common council; and that the said supreme court shall thereupon order a trial by jury to assess such damages anew; and that the said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the common council may proceed therewith as though said appeal had not been taken.

Proviso.

Tender of amount of damages.

69. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the collector of taxes, under the direction of the common council, to pay, or tender, unto the owner or owners of lands and real estate taken therefor, or damaged thereby, as aforesaid, the amount

or amounts of damages so assessed to him, her or them, respectively; *provided*, that if such owner do not reside in said town, or upon due inquiry cannot be found therein by the said collector, or is a lunatic or idiot, or is under age or otherwise legally incapacitated to receive such damages, or if such owner or owners will not accept such damages, and sign a proper receipt therefor, when tendered, then the said collector shall make an affidavit of the fact, and shall file the same with the town clerk; and the common council shall, after inquiry, direct the amount or amounts of said damages to be placed on special deposit, in some suitable depository, for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and refused; *and provided also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners, are equal to or exceed the amount of damages assessed in his, her or their favor.

Proviso.

Proviso.

Proceedings of board of assessments must be recorded, &c.

70. *And be it enacted*, That, after said report of the board of assessments shall have been adopted and ratified by the common council, whether with or without alteration as aforesaid, and shall have been duly recorded at full length in the record of their proceedings, it shall, together with the last mentioned map, be delivered to the collector of taxes for preservation in his office; and that said collector shall, immediately thereafter, prepare an abstract of said report, including therein a brief description of the improvement, the names (when known) of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof, with reference to streets, numbers and cross streets, as far as the same can be conveniently stated; that the said collector shall enter the said abstract in a book to be kept in his office for that purpurpose, and which shall be called the "Book of Assessments for Improvements;" and that he shall then give notice, for four weeks, in some newspaper printed in the town, that said report and map have been so delivered to him, and requiring the owners of lands and real estate affected thereby to pay the amounts of the several sums assessed against them, to him, at his office, within sixty days from the time of the first publication of said notice.

71. *And be it enacted*, That whensoever the owners of any contiguous lands in said town, or a majority of them, shall petition the common council to cause such lands to be drained, by drains or open ditches, having given at least two weeks' previous notice of such petition, by an advertisement in a newspaper printed in said town, stating the precise course of such drains or ditches, with the beginning and ending points thereof, and the names of the owners of the lands through which such drains or ditches will pass, the said council are hereby authorized and empowered, by ordinance, to order and cause the said lands to be drained as aforesaid, by and under the direction of any person or persons named in said ordinance, and to appoint three disinterested freeholders, one from each ward, and who are also to be named in such ordinance, to act as commissioners in ascertaining the cost of such drainage, after the same shall have been completed, and in assessing the said cost, as well as any damages which, in their opinion, any land owner may have sustained by reason of said drains or ditches being made through his lands, fairly and equitably, upon the owner or owners of any lands which, in their opinion, may have been benefitted thereby; and that the report of said commissioners, or of any two of them, under their hands, shall be deposited with the town clerk, and be laid by him before the common council, and that the same may be adopted and ratified by said common council, either with or without alteration, as to them may seem proper; and that, then, and after being duly recorded at full length in the record of their proceedings, it shall be delivered to the collector of taxes, for preservation in his office; and that said collector shall prepare an abstract of the assessment, and enter the same in a book to be kept for the purpose, and shall give notice thereof and of the time for paying such assessment, and shall proceed to collect the same, in the same manner as he is required to do in the case of an assessment for the laying out and opening of a street or highway.

Proceedings when lands are to be drained.

72. *And be it enacted*, That if any assessment to be paid by virtue of this act, shall not be paid to said collector of taxes within sixty days after the first publication of the notice mentioned in the seventieth section of said act, the said assessment shall draw interest thereupon from and after that time, until paid, at the rate of two per centum per month.

Interest on unpaid assessments.

73. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to or-

May declare all streets or highways public.

dain, by ordinance as aforesaid, that any street or highway, which may have been or may be opened by the owner or owners of any land over which the same passes, and which has been dedicated to public use by permitting the public to use the same for any length of time and by selling lots fronting thereon, shall be deemed and taken to be a public street or highway; and that the same shall thereafter be made, maintained and treated as such in all respects.

All public streets must be opened by an ordinance of council, and width.

74. *And be it enacted*, That hereafter no street or highway, to be laid out and opened in said town, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the common council; and that it shall be lawful for the council to lay out any street or highway, exceeding four rods in width; *provided*, all the lands embraced therein shall be given to the town for that purpose by the owner or owners thereof.

Proviso.

How to ascertain lines, width, &c., of streets.

75. *And be it enacted*, That it shall be lawful for the common council, from time to time, to appoint, by ordinance, one freeholder from each ward of the town to act as commissioners in ascertaining and determining the precise lines, courses and width of any street, or streets, in said town, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the said street or streets is, are, or shall be so used at the time of the passage of such ordinance, which commissioners, or any two of them, shall, with all convenient speed, return to the said common council a report in writing, accompanied by a map, showing such lines, courses and width of said street or streets; and such report and map, when approved by said common council, shall be filed in the office of the town clerk, as well as recorded in the record of the proceedings of said common council, and shall thereafter be taken to be full and conclusive evidence of the existence of such street, or streets, as a public highway, or highways, and that the same shall thereafter be treated and maintained as such in all respects.

TITLE EIGHTH.

Of the Collection of Unpaid Taxes and Assessments.

Unpaid taxes and assessments a lien on lands.

76. *And be it enacted*, That any assessment of taxes against any person or persons, shall be and remain a lien upon any and all lands and real estate of such person or persons within

the town; and any assessment of taxes upon any lands and real estate within the town, shall be and remain a lien upon such lands and real estate; and any assessment for any improvement, for either benefits or expenses, as the case may be, shall be and remain a lien upon the lands and real estate so assessed therefor; together with interest on said assessments respectively, and all costs and fees, for the space of three years from the twentieth day of May in that year in which said assessment shall have been or shall be made; notwithstanding any devise, descent, alienation, mortgage, judgment, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners of such lands and real estate, or omission to name such owner or owners; and that any assessment in which such mistake or omission occurs, shall be valid and effectual in law as though said mistake or omission had not occurred.

May enforce the lien after certain time.

77. *And be it enacted*, That in case any assessment of taxes, together with interest thereon as aforesaid, and all costs and fees, which may have accrued thereon, shall remain unpaid on the first day of January next succeeding the time of making such assessment; or in case any assessment for an improvement, together with interest thereon as aforesaid, and all costs and fees, which may have accrued thereon, shall remain unpaid at the expiration of sixty days from and after the first publication of the notice mentioned in the seventieth section of this act; it shall be the duty of the said collector of taxes to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate, in the manner hereinafter prescribed.

Notice of sale by collector.

78. *And be it enacted*, That the said collector shall thereupon give a second notice, by an advertisement in a newspaper printed in said town, that unless said assessment for taxes, or said assessment for an improvement, as the case may be, together with interest thereon as aforesaid, and all costs and fees, shall be paid to him, at his office, within thirty days after the first publication of said second notice, he shall proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of this act, of the said lands and real estate whereon the said assessments have been imposed or may be a lien; and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, when known, a brief

description of said lands and real estate, and the amount of the unpaid assessments due thereupon; and that it shall be lawful to incorporate more than one assessment in said notice; *provided*, that in case of several assessments being so incorporated, they shall be either for taxes, or for improvements.

Proviso.

May proceed to sell lands.

79. *And be it enacted*, That at the time and place, and between the hours mentioned in said notice, the said collector of taxes shall proceed to sell by public auction, the several parcels of the said lands and real estate upon which the said assessments still remain due and unpaid, for the lowest term of years (but in no case exceeding fifty years,) for which any person will take the same and pay the amount of such assessments, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that, if not so made, the said collector of taxes may re-sell the property, or the town may have its action against the purchaser for the payment of the whole amount due, with the interest thereon at the rate of two per centum per month; that the sale may be adjourned from time to time, at the discretion of said collector, until all the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale or re-sale, as aforesaid, shall be struck off to the town for the term of fifty years.

Collector shall give a certificate of sale.

80. *And be it enacted*, That at or after the close of the sale, the said collector of taxes shall make out under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate, so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the town clerk in books to be kept for the purpose, and after being so recorded, shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of

Certificate shall be recorded.

the town clerk; and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been cancelled and filed with the town clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Record of proceedings on sales.

81. *And be it enacted*, That the collector of taxes shall keep a full and accurate record in his office, of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him; to which record all parties claiming to be interested shall have free access at all reasonable times.

Town may assign certificate of sale.

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

Mortgagee not to be divested of rights.

83. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment (as the case may be,) shall have been duly registered before any such sale for an unpaid assessment, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing, by the purchaser or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of the said county of Essex, or, if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of said town, and that in the latter case, said notice shall likewise be published for the space of two months in a newspaper printed in said town; and that, within one month after such service, or service and publication of said notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the said collector of taxes a copy of said notice, together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a creditable person,) as to the manner of service, or service and publication thereof.

Owner may redeem lands.

84. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to

the collector of taxes, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector, together with interest, at the rate of two per centum per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector, stating the receipt of such moneys and showing what property the same was intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand; and that all proceedings in relation to said sale shall then cease and determine, and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with interest thereon at the rate of seven per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said collector shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the town clerk.

Declaration of sale to be executed if property is not redeemed.

85. *And be it enacted*, That if any lands and real estate so sold, shall not be redeemed as aforesaid, the common council shall execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the mayor, and attested by the town clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold; that said declaration shall be recorded in the office of the town clerk in books to be kept for the purpose, and that until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places, that such sale

and proceedings were regularly made and had, according to the provisions of this act; and that such purchaser, and his legal representatives or assigns, shall by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of said term, shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Record of certificates, &c.

86. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates as aforesaid, the town clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates, and such assignments thereof, so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the collector's certificates of such redemption.

Compensation of collector of taxes.

87. *And be it enacted*, That besides the compensation which is now or may be hereafter allowed, under the general law of this state, to the collector of taxes for any service to be performed under this act, he shall be allowed such special compensation for special services as may be from time to time determined by the common council; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the said town clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof,) made by him in the records of certificates and declarations of sale and assignments as aforesaid; and that the said collector of taxes shall likewise collect for the use of the town, the sum of one dollar from each purchaser, at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or

parcel of said lands and real estate by him purchased as aforesaid.

May sell lands for previous improvements.

88. *And be it enacted*, That in the case of any assessment for taxes, or for benefits and expenses in any general or local improvement, heretofore made, it shall be lawful for the common council to direct by ordinance, that any lands and real estate whereon the said assessment may have been imposed or may be a lien, by virtue of any former act, shall be sold in the manner hereinbefore prescribed; and that in such case the proceedings after the date of such ordinance, shall be made to conform as closely as possible to the provisions of this act.

TITLE NINTH.

Miscellaneous Provisions.

Inhabitants not incompetent as witnesses or jurors.

89. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the said "The Town of Orange" is a party, or in which it may be interested, no person shall be deemed to be incompetent to act as judge, juror or witness, by reason of his being an inhabitant or freeholder of said town; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and special matter in evidence at the trial.

Former ordinances in force until repealed.

90. *And be it enacted*, That all ordinances of the common council of the said town, passed under and by virtue of the act entitled "An Act to incorporate the Town of Orange," and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the said common council.

Books of record evidence.

91. *And be it enacted*, That the books of record kept by any officer of the town under and by virtue of the provisions of this act, or any ordinance of the common council, shall be admitted as evidence of the matters and things therein contained in all courts and places whatsoever.

Firemen.

92. *And be it enacted*, That all the members of the fire department of said town, after seven years' faithful service, shall be entitled to certificates of discharge from further duty, the said certificates to be signed by the mayor and sealed with the common seal of the town; and that during such service,

as well as after the receiving of such certificates, such firemen shall be exempt from jury duty and from serving in the militia in times of peace.

93. *And be it enacted*, That except in those cases wherein it is hereby specially directed that the common council shall proceed by ordinance, it shall be lawful for them to proceed and act either by resolution or by ordinance, as to them may seem fit. Ordinances and resolutions.

94. *And be it enacted*, That if any person shall hereafter obtain a license to keep an inn or tavern within the limits of the town, the fee to be paid for the same shall be fifty dollars; and no person shall be allowed to sell beer, porter, cider or wine within the limits aforesaid, until he, she or they shall first pay to the collector of taxes, for the use of the town, the sum of twenty-five dollars; and for every violation of this section either by refusal or neglect to pay the said sum of twenty-five dollars, it shall be the duty of the said collector of taxes forthwith to prosecute and recover the same, in any court having jurisdiction thereof, in an action of debt, with costs; and on non-payment thereof, the defendant shall be committed to the common jail of the county, for any term not exceeding sixty days, and until the said sum of twenty-five dollars and costs shall be paid; *provided*, that the sum as aforesaid, when paid shall be an exemption for the space of one year; *and provided also*, that this section shall not be held to apply to druggists, or other persons who may sell beer, porter, cider or wine that is not drank upon the premises where sold. Licenses for inns and taverns. Proviso. Proviso.

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

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

Approved March 3, 1869.

CHAPTER CIV.

An Act relative to Transit Duties.

Transit duties abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, all transit duties, whether on passengers or freight, shall be and they hereby are abolished.

Tax to be paid quarterly in lieu of transit duties.

2. *And be it enacted*, That all companies heretofore paying transit duties to the state, shall hereafter pay each year, in quarterly payments as heretofore to the treasurer of this state, a tax of one-half of one per centum upon the costs of their respective works, including all their property of every description not otherwise taxed, until the legislature shall by general law, impose a uniform state tax, equally applicable to all railroad and canal corporations of this state, and said companies shall then pay such uniform tax; and until such general law be passed, no company heretofore paying transit duties as aforesaid shall, in any year hereafter, pay a less sum as tax to the state than that paid by it for taxes and duties of all kinds for the year eighteen hundred and sixty-eight, and said amounts shall be paid by them in equal quarterly payments, and no other tax or impost shall be levied or assessed upon said companies.

Certificate of acceptance, when to be made and filed

3. *And be it enacted*, That this act shall not apply to any corporation having a contract with this state in reference to taxation, unless, within three months from the passage hereof, this act and its provisions be accepted by the board of directors of such corporation in place of said contract, and a certificate of such acceptance, under the corporate seal of such corporation, be filed in the office of the secretary of state, which certificate, or a duly certified copy thereof, shall be plenary evidence of such acceptance, and until the filing as aforesaid of such acceptance, such corporation shall pay as now required by law.

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

Approved March 4, 1869.

CHAPTER CV.

A Further Supplement to an act approved March eighteenth, eighteen hundred and sixty-three, entitled "An Act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville."

Commissioners authorized to make a new map

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by a further supplement to said act, which was approved March twenty-seventh, eighteen hundred and sixty-eight, and their successors in office, in exercising the powers and otherwise executing said last mentioned further supplement, shall, instead of defacing or otherwise altering the lines of the map in said further supplement mentioned, make an entirely new map; and in making the new map, they are directed and empowered hereby to lay down and name on said new map such streets and avenues as they shall deem expedient to continue as such, or as they shall deem expedient to be laid out and opened as such, whether the former commissioners, appointed by supplement approved April second, eighteen hundred and sixty-six, had laid down the same or any part thereof on the said map hereinbefore first mentioned or not.

Streets and avenues when laid down on new map to be opened to public use.

2. *And be it enacted*, That all streets and avenues which shall be laid down on said new map, shall be opened to public use; but any street or avenue not laid down on said new map shall not continue to be a public street or avenue; all streets or avenues, or any part thereof, which were laid down or shown on said old map, the map hereinbefore first mentioned, and which shall not be laid down or shown on the said new map, shall, at the end of ninety days after the said new map shall have been filed in the township clerk's office, and in the county clerk's office, be deemed to be vacated, unless either within said ninety days, by memorandum in writing, endorsed on said new map, signed by a majority of them, the said commissioners or their successors shall otherwise direct, and they are authorized to give such directions in the matter as shall appear to them most likely to conduce to the public good and occasion the least injury and inconvenience to individuals, or unless any such street or avenue, or any part

thereof, has already been opened by public authority and used by the public, in which case the same shall be vacated when compensation shall be made to any person whose access to other public streets or avenues is by such vacation cut off; the said commissioners, or their successors in office, shall

Monuments to be erected.

erect as many monuments, in such manner that they may not be disturbed by the frost, and use and mark as monuments such buildings or parts thereof or other things as will serve to locate clearly and with facility the said several streets and avenues.

Compensation for improvements.

3. *And be it enacted*, That if, after said new map shall be filed in the township clerk's office, improvements shall be made on lands within the lines of the streets and avenues thereon laid down and shown, compensation shall not be allowed for the same in estimating what shall be due to the owners of lands necessary to be used for such streets and avenues.

Width of streets.

4. *And be it enacted*, That no street or avenue not now in use shall be laid down or shown on said new map of a less width than sixty feet, or of a greater width than eighty feet; but this provision shall not be construed to abridge in the slightest degree the said commissioners' power to lay down and show on said map any such street or avenue in use wider than it is already laid out or in use, or being so widened, appropriated to, and opened for public use under this act.

Preamble.

AND WHEREAS, the unlimited power of private owners to lay out their lots and open streets wherever they choose, has been found to be very inconvenient, and to practically impose upon the public the repair of narrow or useless streets, and tends to retard the improvement of the township; therefore,

Powers of the commissioners.

5. *And be it enacted*, That no street or avenue shall be opened to public use, or be considered as dedicated to the public in the said township, without the consent of, or unless said commissioners, or their successors in office, shall otherwise afterwards distinctly recognize the said dedication or the opening of said street or avenue to public use; the said commissioners, or their successors in office, may, in the name of "Street Commissioners of Greenville," maintain any suit at law or in equity, to restrain the opening or dedication of such streets or avenues, or to carry out any object or intent of this act, and in like manner they may be sued for any debt or other liability they may incur, and any contract they

may make pursuant to their powers, and any judgment that may be obtained against them shall be of like effect as if lawfully made by or obtained against the inhabitants of the township of Greenville.

Profile maps, &c., how authenticated.

6. *And be it enacted*, That the said commissioners, or their successors in office, may establish by resolutions and profile maps the grade, pitch and level of all the streets and avenues so laid down and shown on their new map, and of any other lawful streets and avenues that may hereafter exist in said township, and said resolution and resolutions shall be filed in the township's clerk's office, and the said profile and profiles shall also be filed in said township's clerk's office, and both be authenticated by the signature of a majority of the acting commissioners; for the purpose of executing any of the duties imposed upon, or powers given to said commissioners or their successors, they may enter freely upon all lands in said township, and survey the same and do all other things therein necessary to perform their duties under this act, making compensation for any lands appropriated to public use, which are not already appropriated, or in public use so soon as such streets or avenues shall be actually thrown open to public use.

When grades may be altered.

7. *And be it enacted*, That the grade of any street or avenue, when once established by such resolution and profile, may be altered, but only upon written application of the owners of five-eighths of the property per lineal feet, along such street or road, when such alteration is asked for, and by the unanimous consent of the commissioners present (a quorum being present), and such alterations of grade shall be shown by new profiles, made from time to time and filed in said township clerk's office.

Commissioners may improve streets, &c.

8. *And be it enacted*, That said commissioners, or their successors in office, may from time to time improve any streets or avenues in the said township, by making the same fit for public travel by any method, including paving, curbing and guttering, and with any kind of material, and making sidewalks of plank or other material, and making drains and sewers in all or any parts thereof, but all such improvements shall, so far as they are made on the surface, be made to conform to the grade of such streets and avenues so established or altered as aforesaid.

Lands for public use, how appropriated.

9. *And be it enacted*, That any lands that are not already appropriated to public use that shall lie within the lines of

the streets or avenues laid down and shown on said new map, may be used by the public for the purpose of a street or avenue, and all urban and other public easements; but the said commissioners shall pay to the owner thereof a just compensation for such opening to said public uses as herein is provided.

Public notice of the time and place of hearing to be given.

10. *And be it enacted*, That when the said commissioners, or their successors in office, shall think it proper to proceed to open to public use any street or avenue, or part of a street or avenue, laid down and shown on said map not already in public use, the commissioners, or their successors, shall appoint a time when any person interested therein may be heard before the commissioners on the merits of such proceeding, and shall give notice of the nature of the proceeding and the time and place of hearing, by notices, signed by a majority of said commissioners or their successors, and posted in five of the most public places in said township for ten days before such time of hearing, and if the said commissioners, or their successors, shall determine to proceed, they shall appoint three judicious freeholders, resident in the township, appraisers, who shall find and report the compensation to the owners of the lands so to be paid for and to whom said lands belong, and the interest and estate of the several owners therein, as far as practicable, and file said report and map in the township clerk's office within thirty days after their appointment; and such sum so found and reported, or that shall if there is an appeal, be finally reported, shall be paid by said commissioners to the person entitled.

Lands to be assessed when benefited by opening streets, &c., to public use.

11. *And be it enacted*, That the lands in said township benefited by opening to public use so much of any land in any street or avenue laid down or shown on said new map as is not already in public use, shall, to pay the compensation and expenses of opening, be assessed the amount of such benefit, or so much thereof as being assessed in proportion to the benefit received shall be necessary to pay the compensation to which the owner may be entitled for the use of so much of said lands, and to pay all other the expenses of such opening; the compensation and expenses of opening shall be assessed as soon after they are ascertained as practicable, and the expenses of all other improvements shall be assessed as soon after they are severally complete as is practicable; the lands in said township benefited by any other improvement authorized by this act shall, to pay the expenses of the

improvement, be assessed the amount of such benefit, or so much thereof as being assessed in proportion to the benefit received shall be necessary to pay all expenses of such other improvements; and if the amount of benefits assessed in any of said cases in this section mentioned are not equal to the compensation and expense or the expenses aforesaid, the excess shall be paid by the inhabitants of the township, and said assessment and all interests and expenses attending the collection thereof shall be a lien from the date of the approval thereof by said commissioners or their successors in office until paid upon the land so assessed.

Assessors to make report of real estate to be assessed.

12. *And be it enacted*, That when said commissioners or their successors shall think it proper to proceed to execute any other improvement authorized by this act (except that of opening streets or avenues to public use in the tenth section mentioned) they shall give notice of their intention by posting notices thereof in five of the most public places in the township, and any party interested shall be heard by said commissioners at the time and place on said notice to be expressed for hearing them; the expenses of any improvement, except that of opening to public use a street or avenue, or part of a street or avenue, to be ascertained and assessed for under the eleventh section of this act, as well as the amount of compensation and other expenses of opening a street or avenue or part thereof to be assessed under said eleventh section, shall be assessed by three assessors, who shall be appointed by the said commissioners or their successors, from the freeholders resident in the township, which assessors shall examine into the whole matter, and shall determine and report in writing to the commissioners or their successors what real estate ought to be assessed for such opening or other improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof as far as practicable, which report and map shall be filed in the office of the township clerk, and be by said clerk recorded in an assessment book; whereupon the said commissioners shall cause to be given, by posting the same in five public places in the township, a notice of the filing of said report, and that the commissioners will meet at a time and place to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto which may be pre-

sented in writing; and if the commissioners shall confirm said assessment, it shall constitute a lien upon the property assessed for the amount of such assessment and the expenses of collecting the same as aforesaid.

Proceedings when owners are dissatisfied

13. *And be it enacted*, That if the owner of any lands taken, who has filed with said commissioners a remonstrance against any such opening, is dissatisfied with the compensation reported by said appraisers, or if the owner of any lands assessed, who has filed a remonstrance against any assessment for the compensation for such opening, or for the expenses of any kind of improvement is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the filing of the report, giving ten days' notice of such application to the commissioners; the said justices, or a majority of them, at said term, upon petition of such person dissatisfied, setting forth the cause of his complaint, shall appoint three disinterested persons appraisers or assessors, who shall be the same in all applications regarding the same improvement; such appraisers or assessors shall meet on ten days' notice, given by any of said persons, so applying to each of the others, or to his attorney, if either reside in the township, and to the commissioners, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance, and the production of papers by process of subpœna to issue out of the supreme court, and shall review the proceedings of said appraisers or assessors, as the case may be, appointed by the commissioners, so far only as the complaint of the applicants to the supreme court is concerned, and shall report in writing, under their hands, to the commissioners, their estimate of the compensation and their assessment of expenses on lands benefited, which report shall be filed with the township clerk, and a copy of same with said commissioners, and shall be conclusive on all parties; and the costs of their appointments, and of the proceedings of said appraisers or assessors, shall in case their report is more favorable to any applicant than that of the first appraisers or assessors, be paid by the commissioners and added to the expense of the improvement; and in case such report is not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses, and the proportion of such costs paid by the com-

missioners shall be deducted from the sum to be paid to him, or assessed upon his property by the commissioners, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands so compensated for shall be held by a tenant for life, or years, and the fee in remainder or reversion, such appraisers shall in their report apportion such compensation between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives, shall at the termination of their estates, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same; and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon, in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands and said bill was filed for the foreclosure thereof; and such lien shall have priority over all other encumbrances; and whenever, within said township, any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the commissioners, it shall be lawful for the commissioners to charge, receive, and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; the due publication and posting of all notices, required to be posted by the provisions of the act, shall be verified by the affidavit of the person who posted such notice; and such affidavit shall be filed with said commissioners, and shall be evidence of such publication and posting in all courts and places.

Proceedings in case of non-resident owners, &c.

14. *And be it enacted*, That upon completing the report of the appraisers, the treasurer of the commissioners shall tender and pay to the owner of said lands, if resident in the township, the amount of such assessment due to him; but, if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the treasurer shall make affidavit of such facts, and file the same with the

township clerk, and the commissioners shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in some safe bank for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the making such deposit in bank, the said lands shall be esteemed to be dedicated as aforesaid, and the commissioners may proceed with such improvements, and the said money so deposited shall be paid by the commissioners to the person entitled thereto on demand, without interest.

Assessments, when to be reviewed and set aside.

15. *And be it enacted*, That any assessment made by any assessors, any ascertainment of compensation made by any appraisers under this act that may be made upon principles contrary to law and to the provisions of this act, may be reviewed, and for such cause set aside by the supreme court, upon certiorari; and the said court shall, in the case of setting aside any such assessment or ascertainment of compensation, appoint new appraisers and assessors to examine into and report anew as to the part set aside, and for the purpose of such examination the supreme court may require, by rule, the appraisers or assessors to certify specifically as to the principle on which their assessment or ascertainment of compensation was made, or may inquire into the same by affidavits to be taken for that purpose; and the commissioners, in case of reversal, shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

Appraiser and assessors to subscribe an oath.

16. *And be it enacted*, That all appraisers and assessors appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath before any justice of the peace in the county, faithfully, honestly and impartially to perform the duty required of them, and shall receive such compensation for their services as the commissioners shall determine.

Removal of obstructions.

17. *And be it enacted*, That the commissioners shall have power to grade, pave and remove obstructions in all streets, public grounds, public squares, that are now in existence or may come into existence by dedication or otherwise.

Contracts.

18. *And be it enacted*, That all contracts for doing work, or furnishing materials for the improvements provided for in this act, shall at all times be given to the lowest bidder who will comply with all the requirements of the commissioners, and will give ample security for doing said work and furnishing said materials according to contract, but the commission-

ers shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper, and no work or material shall be contracted for unless specifications therefor and proposals for doing such specified work or furnishing such specified materials by such commissioners have been fully advertised both by posting in five public places in the township and by notice in a newspaper circulated in said township.

19. *And be it enacted*, That all assessments which shall hereafter be made under this act upon any lands, tenements or real estate situate in said township shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and that if the full amount of any such assessment shall not be paid and satisfied within the time limited and appointed by the commissioners for the payment thereof, it shall and may be lawful for the commissioners to cause such lands, tenements or real estate to be sold at public auction, for the shortest term for which any person shall agree to take the same. and pay such assessment, or the balance thereof remaining unpaid with the interest thereon, and all costs, charges and expenses; and to execute under the hands of said commissioners, or a majority of them, a declaration of such sale, and to deliver the same to the purchaser, his executors, administrators or assigns, who shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his and their proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said commissioners shall have first caused such sale to be advertised, for at least sixty days, in at least one public newspaper generally circulated in the said township, and also by advertisements put up in at least five public places in the said township, which advertisements shall describe the said lands, tenements or real estate by reference to the assessment map, and specify the amount of the assessment, and the recitals in such declaration of sale shall be the evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate, at any time within two years after the sale, by paying to the township collector for the use of said purchasers, the said purchase money,

Assessments to remain a lien.

Proviso.

Proviso.

together with any sum paid for assessment, which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the township collector, stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem at any time, until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the township, then such notice shall be deposited in the post-office of said township, directed to him at his last place of residence, or at the post-office nearest thereto; but nothing herein contained shall be so construed as to impair the lien created by such assessment or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the township clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and*

Proviso. *provided also*, that the said term of time from which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenement or real estate, in as good a state and condition as when he en-

Proviso. tered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the commissioners may direct;

Proviso. *and provided*, that if at any sale of lands, tenements or real estate or assessment, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall and may

be lawful for the said commissioners to adjourn the said sale, not less than thirty nor more than sixty days; twenty days' notice, at least, shall be given as aforesaid of the said adjourned sale; and if at the said adjourned sale there shall be no purchasers for the said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the township collector to purchase the said lands, tenements or real estate for the benefit of the township, subject to the same redemption as hereinbefore provided for; *provided also*, all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all assessments shall be kept in the township clerk's office, which record shall contain the time when such assessments were laid, the time when they were paid, (and if the property has been sold therefor), the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the township clerk to record in a book to be called "record of sales," all declarations of sales, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the township collector of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the township collector to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the town clerk's office.

Proviso.

Proviso.

20. *And be it enacted*, That it shall be the duty of the commissioners to give notice of the expiration of the time limited for the redemption of all lands sold for assessment by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property (by reference to said assessment map) unredeemed, and the amount due thereon.

Notice to be given of expiration of time limited for redemption.

21. *And be it enacted*, That for the purpose of paying, in

Commissioners may issue bonds.

anticipation of the collections of the assessments herein authorized to be made for the several purposes aforesaid, the various sums of money which the said commissioners may require or desire to pay before such assessments can be collected, it shall and may be lawful, and the township committee of said township of Greenville are hereby authorized, empowered and directed to issue and deliver to the treasurer of the commissioners, (who shall be one of said commissioners, or their successors, and shall be appointed by said commissioners, and give bond to them by their aforesaid name of "Street Commissioners of Greenville," in such sum and with such conditions as they shall think proper to require,) for negotiation from time to time, the bonds of the inhabitants of the township of Greenville, payable on or at the option of said township committee, at any time before the expiration of four years from the time of their issue, in such sums and at such times as the commissioners aforementioned may require; the said bonds in the whole shall not exceed twenty thousand dollars, and shall bear interest at the rate of seven per centum, and to be payable semi-annually; the township committee shall have power and authority, and are hereby required to provide by taxation for the payment of said bonds, and the interest thereon as the same shall become due; the proceeds of the said assessments said commissioners are hereby required to pay from time to time, as the township treasurer may need it, to said treasurer, so that he may pay the interest and principal of said bonds; the bonds shall be numbered, and whenever the township treasurer has sufficient money in his hands, which is the proceeds of said assessment, to pay four or more of said bonds, he shall draw by lot the numbers of the outstanding bonds, and the bonds which correspond to the numbers so drawn shall be payable immediately, and after notice is published by said treasurer in one of the newspapers published in said county of Hudson, that said bonds so numbered will be paid on presentation, all interest shall cease on said bonds after the expiration of thirty days from the first publication of such notice; and the said moneys due upon said assessments are hereby pledged for the payment of said bonds, as well as the real and personal estate in said township, and the said commissioners may sell the said bonds at a discount not exceeding five per cent.

Compensation of officers, &c.

22. *And be it enacted*, That the said commissioners may

appoint such officers, and retain and employ and dismiss at their pleasure, such surveyors, engineers, clerks, agents and servants as they shall deem proper and necessary to aid them in executing this act and the acts upon the same subject hereinbefore referred to; and to fix the pay and compensation of such officers, surveyors, engineers, clerks, agents and servants; that the township collector and township clerk, for the services imposed upon them by this act, shall have such fees as said commissioners shall think expedient; and shall, by resolution, fix and establish such fees to be paid by such persons as ask the performance of the service, or by said commissioners, in case the service is not done at the request of a private individual.

Minutes of meetings, &c., to be kept.

23. *And be it enacted*, That the said commissioners shall keep full and accurate minutes of all their meetings, proceedings, resolutions and acts; and the said minutes shall be promptly engrossed by their secretary in a book provided for that purpose; and the minutes of every last meeting shall be read at the next meeting, and approved or corrected according to the truth, and not otherwise, and said minutes shall be authenticated by the signature of the chairman and secretary of the meeting approving the minutes; the commissioners mentioned in this act shall be allowed the same pay as the members of the township committee for each day's services rendered by them in performing the several duties required of them; any vacancy in said board of commissioners that may occur by reason of death, resignation or otherwise, shall be filled by a majority of the remaining commissioners.

Accounts to be kept.

24. *And be it enacted*, That the said commissioners and their successors in office shall keep full and accurate account of all the moneys they shall receive and pay out; and every six months said commissioners shall publish the state of their accounts.

Moneys to be paid on warrant.

25. *And be it enacted*, That the township treasurer shall, on the warrant of said commissioners, pay to them the expenses heretofore incurred by them in anticipation of the moneys to be raised in the manner hereinbefore directed, which moneys so paid on warrant shall be reimbursed to said collector by said commissioners from the sale of said bonds in twenty-first section mentioned.

Limitation of terms of office

26. *And be it enacted*, That the terms of office of said commissioners and their successors shall cease on the first day of May, eighteen hundred and seventy-two, when, if necessary,

other commissioners shall be appointed as shall hereafter be provided by the legislature, and all acts and parts of acts, inconsistent with this act, be and the same are hereby repealed.

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

Approved March 9, 1869.

CHAPTER CVI.

Supplement to an act entitled "An Act to incorporate the city of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of land lying and being in the county of Cape May, beginning at a point in the Atlantic Ocean opposite the mouth of Cold Spring Inlet, as far southerly as the jurisdiction of the State extends, and running a westerwardly course until opposite an inlet between Cape Island and the lighthouse; thence following the several courses of the said inlet or creek to Mount Vernon bridge and a street or road known and designated as Broadway; thence along the northwest side of said street to the north side of its junction with the Cape Island turnpike; thence along the north side line of said turnpike to Cape Island bridge and creek; thence following the several courses of the said creek down the main channel to the place of beginning; and all the freemen, citizens of this state, residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, one body corporate and politic, in fact and in name, by the name of "The City of Cape May;" and that the said "The City of Cape May," and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the estate and property whatsoever,

Corporate name.

both real and personal which, at the time of the passing of this act, are vested in or belong to "The City of Cape Island."

Compensation of mayor.

2. *And be it enacted*, That the mayor of said city shall hold office for two (2) years, and it shall be lawful for the city council to pay him for his services as mayor any sum not exceeding one thousand dollars per year, and the said mayor shall be ex-officio a member of all standing committees authorized to be appointed by the city council.

Taxes to remain a lien.

3. *And be it enacted*, That all taxes levied and assessed upon property in the said city, shall be and remain a lien thereon for the space of five years, from and after the same shall be assessed; and the said city council, before they proceed to sell any lands, tenements, or real estate for the payment of taxes, shall, in addition to the advertisements now required to be set up, advertise the same for the space of three weeks in a newspaper printed and published in said city; and the commissioners of appeal shall meet on the fourth Saturday in August in each and every year, for the purpose of hearing and determining all cases of complaint of unjust taxation in said city.

Repealer.

4. *And be it enacted* That so much of the twenty-fourth section of the act to which this is a supplement, as requires a majority in value of the land holders on any street or highway, to petition the city council to grade, pave, gravel, flag, or curb the same, be and is hereby repealed.

City council empowered to act.

5. *And be it enacted*, That it shall be lawful for the city council to perform the acts prescribed in the twenty-fifth section of the act to which this is a supplement, after a neglect or refusal of the land holders to perform the same for the space of twenty days after the same is required to be done.

Mayor to appoint commissioners.

6. *And be it enacted*, That it shall be lawful for the mayor of said city to appoint five persons, property holders in said city, commissioners to perform the several acts and duties hereinafter prescribed, and in the case of death, resignation, neglect or refusal to serve, of any of the commissioners so appointed, the mayor shall fill the vacancy thereby occasioned.

Powers of commissioners.

7. *And be it enacted*, That it shall be lawful for said commissioners, or a majority of them, and they shall have and possess the exclusive power to lay out streets, avenues and thoroughfares within the said city, of such width, extent and direction, as to them shall seem most conducive to the public

good; and to close any streets, avenues, roads, highways, lanes or alleys, or any parts thereof, which have been heretofore laid out, and have not been duly surveyed and recorded as public streets, avenues, roads, highways, lanes or alleys, according to law, within the said city; and it shall be the duty of the said commissioners to lay out the leading streets and principal avenues of a width not less than sixty feet, and the said commissioners shall not in any case lay out any street or avenue of less than fifty feet in width, unless the same shall be a continuation of a street or avenue already laid out and opened according to law.

Maps and surveys to be made and filed.

8. *And be it enacted*, That it shall be lawful for said commissioners, and all persons acting under their authority to enter into and upon any lands, tenements or hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out and opening of any streets or avenues as aforesaid, and the said commissioners, or a majority of them, shall cause maps, plans and surveys to be made from time to time of the streets or avenues so laid out by them, or the alteration in any streets or avenues already laid out, and the commissioners, or a majority of them, shall take the elevation of the several intersections of streets or avenues above high water mark, or so many of them as they may think sufficient, and such other levels as may be necessary for the establishing a system of grades for said streets, and shall cause profiles to be made, which shall be filed in the office of the city clerk of said city, together with such notes and remarks or explanations as may be deemed necessary to render the same explicit and intelligible.

Commissioners to subscribe an oath.

9. *And be it enacted*, That the said commissioners shall, before they enter upon their duties, severally take and subscribe an oath or affirmation before the mayor, recorder or alderman of said city, or some person authorized to administer an oath, that they will faithfully and impartially execute the duties of their office to the best of their ability, which oath or affirmation shall be filed in the office of the clerk of the said city.

Maps, &c., to be final and conclusive.

10. *And be it enacted*, That the maps, profiles, plans and surveys of the said commissioners, so to be made by them, or a majority of them, shall in all respects, be final and conclusive, as well in respect to the mayor and city council of the said city, as in respect to the owners and occupants of the lands, tenements, and hereditaments within the said city,

and in respect to all persons whomsoever, from the filing of such maps, profiles, plans and surveys, or any distinct or separate part or parts thereof, in the office of the city clerk of the said city; and the said commissioners shall cause duplicate maps of the said city to be made on a reduced scale and in a less number of distinct and separate parts, but in all respects similar to the aforesaid maps filed in the office of the city clerk of the said city, which maps shall be attested by the signatures of the said commissioners, or a majority of them, and be filed, one in the office of the clerk of the county of Cape May, and the other of said maps to belong to the mayor and city council of the said city, and to be filed in the office of the said city clerk.

Uniformity to be observed in streets and avenues.

11. *And be it enacted*, That the said commissioners, in laying out such streets or avenues shall have regard to the streets, avenues and highways already laid out in said city, according to law, so as to make the same conform thereto, as far as in their judgment may be practicable and consistent with the public convenience, to the end that uniformity may be produced, and the permanent interests of the city consulted in laying out the streets, avenues and thoroughfares as aforesaid; and to secure such uniformity the said commissioners may designate and determine the changes or alterations in the width, lines and course of any avenue, lane, highway or street already lawfully laid out in said city; *provided*, that no avenue, lane, highway or street already lawfully laid out, shall be altered, widened or closed until the payment or tender of payment of the damages assessed to the owner or owners of any lands or real estate, by reason of the closing, altering or widening of any such avenue, lane, highway or street, which assessment of damages and payment and benefits by reason of such change shall be made by commissioners in the same manner as now required by law for the estimate and assessment of damages and benefits to owners of lands taken for the opening of streets and avenues in said city.

Proviso.

Opening and widening streets, &c.

12. *And be it enacted*, That the said streets, avenues and highways shall be opened and regulated and converted to the public use forever; and the said streets, avenues, highways and thoroughfares shall be widened, altered or closed in the manner herein designated.

Compensation for damages.

13. *And be it enacted*, That whenever proceedings shall be taken by commissioners for the opening of any street, avenue

or highway laid down on any of the aforesaid maps, plans or surveys, or for the alteration, widening or closing of any street, avenue or highway determined upon by said commissioners and laid down on any of the aforesaid maps, plans or surveys, it shall not be lawful for the city council of the said city to make an estimate and assessment of the damages which any owner or owners of any lands and real estate will sustain or of any benefits thereby accruing to such owner or owners by the opening of such streets, avenues and highways, or the alteration, widening and closing of any street, avenue, lane or highway, to allow any sum of compensation whatsoever for any building or buildings or improvements of any kind or description, which at any time subsequently to the filing of the aforesaid maps, plans or surveys may have been built, placed or erected, or made in part or in whole on any such street, avenue or highway, but compensation and recompense shall be made to the owner or owners thereof and the parties interested therein, for all buildings and improvements built, placed wholly or in part, upon any such street, avenue or highway so to be opened closed or altered at any time before the filing of the aforesaid maps, plans or surveys.

Compensation and expenses of commissioners.

14. *And be it enacted*, That the said commissioners shall receive the sum of three dollars per day while actually employed, in addition to all charges and expenses for making the said maps, plans, surveys, monuments and notes, and the surveyors and assistants necessary for the performance of the duties required under the provisions of this supplement, and other expenses of said commissioners, and they shall have power to employ such person or persons as they may deem proper as clerk or otherwise, to carry out the provisions of this supplement, and the money or moneys required for the purposes aforesaid, shall be paid by the mayor and city council of the said city on the warrant of the chairman and clerk of the said board of commissioners from any funds there may be in the city treasury.

Advertisements to be published.

15. *And be it enacted*, That in all cases in the performance of the acts and duties prescribed in the act to which this is a supplement, and the several supplements thereto, wherein advertisements are required to be set up in public places in said city, the same shall be published for an equal length of time in a newspaper printed and published in said city.

16. *And be it enacted*, That it shall be lawful for the city

council to regulate and fix by ordinance the rates of hire for hacks, stages and vehicles in said city. To fix rates of hire for hacks, &c.

17. *And be it enacted*, That this act shall take effect on the second Tuesday of March next, and that all acts inconsistent with the provisions of this act be and the same are hereby repealed. Act when to take effect.

Approved March 9, 1869.

CHAPTER CVII.

An Act respecting Public Schools in the Town of Phillipsburg, Warren County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of Phillipsburg shall constitute one school district for all purposes of education, according to the existing laws of the state, except so much thereof as is altered, supplied or repealed by the provisions of this act. Town to constitute one school district

2. *And be it enacted*, That the said school district of Phillipsburg shall be divided into three parts, which parts shall be called respectively, section first, section second, and section third, of the school district of Phillipsburg. How divided.

3. *And be it enacted*, That section first of the said school district of Phillipsburg shall comprise that portion of the town within the following boundaries, to wit: beginning at the junction of the Delaware river and the northern boundary line of said town, and following said line to the Morris turnpike road; thence following said turnpike road to the buildings known as Tindall's distillery; thence in a straight line to Bullman street, at a point where Bullman street intersects Bluff alley; thence along Bullman street to an alley leading from said Bullman street to Hudson street; thence along said alley to Hudson street; thence continuing in the same direction across Hudson street in a straight line to the Morris and Essex railroad; thence following the said Morris and Essex railroad to a point directly opposite the junction Boundary of section first.

of Jersey and Sitgreaves streets; thence in a straight line to said junction; thence following said Jersey street to Main street; thence following said Main street to River street; thence along River street to the Delaware river; and thence along said river to the place of beginning.

Boundary of section second.

4. *And be it enacted*, That section second of the said school district of the town of Phillipsburg shall comprise that part of the said town within the following boundaries, to wit: beginning at the junction of River street and the Delaware river; thence down the said river to the junction of southern boundary line of said town and said river; thence along said boundary line to the Morris and Essex railroad; thence along said Morris and Essex railroad to the point opposite the junction of Jersey street with Sitgreaves street, heretofore mentioned; thence to the place of beginning along the same line, via Jersey street, Main street and River street, as described in the boundary of section first.

Boundary of section third.

5. *And be it enacted*, That section third of the said school district of the town of Phillipsburg shall comprise that part of said town situated on the hill, between the Morris and Essex railroad and the northern boundary line of the town, being all that part not included in section first or section second of said district.

Election of commissioners.

6. *And be it enacted*, That nine commissioners of public schools shall be elected by the qualified voters of the town of Phillipsburg, at the annual charter election in April next, three of said commissioners to be residents of section first, three of section second, and three of section third of the said school district of Phillipsburg; and the said commissioners of public schools, after such election, shall proceed to divide themselves into three classes, by drawn ballot, in such a manner that each class shall be composed of one commissioner from each section of the said school district of the town of Phillipsburg, one of which classes shall go out of office at the expiration of the first year, one class at the expiration of the second year, and one class at the expiration of the third year, and at each annual charter election thereafter, the said qualified voters of the town of Phillipsburg shall elect three persons, one of which shall be a resident of section first, one of section second, and one of section third of the said school district, as commissioners of public schools, who shall hold such office for three years; and in case of death, resignation, removal from section or other disability

of any commissioner of public schools, a person may be duly appointed by the remaining commissioners of public schools to fill the vacancy until the next annual charter election, when the qualified voters of the said town shall elect a person residing in the section of the said school district where the vacancy occurs, who shall serve the unexpired term; and the said commissioners of public schools first elected, and the persons so elected or appointed from time to time thereafter, shall constitute a board of education of the town of Phillipsburg, and every person who shall be elected or appointed as commissioner of public schools under this act, shall, previous to entering on the discharge of the duties of this office, take and subscribe before the clerk of the town of Phillipsburg, or one of the justices of the peace of said town, who are hereby respectively authorized to administer the same, the oath of allegiance to this state, and likewise an oath or affirmation "faithfully and impartially to execute the trust reposed in him to the best of his ability and understanding," which oaths shall be filed and preserved by the said clerk in his office; *provided*, that no person shall be eligible to the office of commissioner of public schools who is at the same time a member of the common council of said town, and it shall not be lawful for any person to be a commissioner of public schools and a member of the common council at one and the same time. Proviso.

7. *And be it enacted*, That the commissioners of public schools to be elected by virtue of this act, and their successors in office shall be, and they are hereby constituted a body politic and corporate, to be called and known by the name of "The Commissioners of Public Schools of the town of Phillipsburg," and shall be capable of suing and being sued, in all courts and places whatever, and of purchasing, holding and conveying real and personal property for the use and benefit of the schools of the said town of Phillipsburg, and may have a corporate seal. Commissioners to be a body corporate.

8. *And be it enacted*, That the said "Board of Education of the town of Phillipsburg," shall have the power, and it shall be their duty, to take charge of the public school houses of the said town of Phillipsburg, and cause all necessary repairs to be made to the same, and to keep them insured; to establish schools of different grades, adapted to the age, capability, and progress of the pupils; to make and enforce rules and regulations, not in conflict with the general regu- Board of education, its powers and duties.

lations of the state board of education for the government of schools, pupils and teachers; to select, employ and dismiss teachers, janitors, mechanics and laborers, and to fix, alter, allow, and order paid their salaries and compensation; to provide school books, school furniture and school libraries; to purchase stoves and fuel, and to incur such incidental expenses as may be necessary for the maintenance of the said schools; to enforce the regulations prescribed by the state board of education; to prescribe the course of study to be pursued, and the text books to be used in the schools under their charge; to cause an annual report to be made on or before the first day of October in each year to the state superintendent in the manner and form prescribed by him; and the said "Board of Education" are further empowered to purchase and hold in their corporate name aforesaid, such real estate as may be necessary for the purposes of this act, and to erect one or more school houses thereon, and to sell, lease, or exchange the same as may best promote the purposes designed by this act; *provided*, that the said commissioners shall receive no compensation for their services; *and provided further*, that none of the said commissioners of public schools shall have any interest, directly or indirectly in any contract for the erection, repairing, or furnishing any of the public school houses of the town of Phillipsburg, or any room or rooms used for that purpose in said town.

Proviso.

Proviso.

Election of school superintendent.

9. *And be it enacted*, That the said board of education shall convene within ten days after the annual charter election, and shall proceed to elect one of their number president of the board for the ensuing year; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of commissioners; the said board of education shall also, at the time of their first meeting in April next, and at the same time in each third year thereafter, elect one person of literary scientific acquirements, and skill and experience in the art of teaching, as superintendent of public schools for the town of Phillipsburg, and the said board of education shall determine, by resolution, the amount of compensation the said superintendent of public schools shall receive, and shall pay the same out of the monies raised by tax for school purposes by said town; *provided*, that nothing in this act shall forbid the said board of

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education to remove, at any time, for cause, the said superintendent, or to elect a person at any time, whenever a vacancy may occur by removal, resignation or other disability in the said office of superintendent of public schools, to serve the unexpired term of said office.

Duties of the superintendent.

10. *And be it enacted*, That it shall be the duty of the said superintendent of public schools to act as secretary of the board of education, to take annually, in the month of August, between the first and twentieth days of said month, an exact and thorough census of all the children residing in the said school district of Phillipsburg between the ages of five and eighteen, as prescribed by the thirty-sixth section of an act entitled "An Act to establish a system of public instruction for the state of New Jersey," approved March twenty-first, eighteen hundred and sixty-seven; to make an annual report on or before the first day of October in each year to the state superintendent, in the manner and form prescribed by him, to perform all the duties now enjoined by law upon the county superintendent, so far as the same relate to the said school district of the town of Phillipsburg, and to discharge such other duties consistent with the nature of his office as the by-laws, rules and regulations of the said board of education may require.

Estimate to be made of the amount of money to be raised for school purposes.

11. *And be it enacted*, That the said "Board of Education" shall prepare and transmit to the common council of the town of Phillipsburg, on or before the first Friday in May in each year, an estimate of the amount of moneys necessary to be raised by tax for the support of the public schools of said town during the year, which estimate shall specify particularly and fully, under the several heads, of repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves, fuel, and incidental expenses, as nearly as may be the several sums required for each branch of expenditure; and it shall be the duty of the said common council to add the total amount of said estimate to the sum they may order to be raised by tax for other town purposes for that year; and the said money shall be assessed, levied and collected at the time and in the manner that the other town moneys are assessed, levied and collected; *provided*, that two dollars per capita shall be assessed on the taxable inhabitants of the said town, and the remainder shall be assessed on the real estate and taxable property of the said town; and it shall be the duty of the

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town collector of said town, on or before the first day of February in each year, to pay over to the town treasurer of said town all school moneys received by him belonging to the said school district of Phillipsburg, whether received from the state appropriation, from town tax, or from other sources; and it shall be the duty of the said town treasurer to keep all school moneys received by him separate and distinct from all other moneys received by him, and he shall pay over no money received by him for school purposes, only on the order of the "Board of Education" of public schools or a majority of them; *provided*, that all moneys so raised shall be expended by the said "Board of Education" in compliance with the provisions of this act and the laws of the state; and that the said board shall at no time make nor incur any expenditure exceeding the total amount of said estimate.

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Proceedings' when school houses are to be built.

12. *And be it enacted*, That whenever and as often as the said board of education shall deem it expedient to purchase land and erect one or more school houses thereon they shall make an estimate of the cost of such land and the cost of the buildings to be erected thereon, which estimate shall be submitted to the common council of the town of Phillipsburg, together with a resolution from the said board of education recommending that the sums necessary for the purchase of such land and the erection of such buildings be raised; and it shall be the duty of the common council to proceed to raise the said sum in the way and manner as they may deem the most advantageous, either by tax or loan, and the money so raised shall be paid over to the treasurer of the town, subject to the order of the board of education; *provided*, that the debt to be created under this section shall at no time exceed the sum of ten thousand dollars; and the said board of education shall make, or cause to be made, a report embracing the number of schools under their charge, specifying their grades, the number of teachers, the number of pupils on the roll, and the average attendance in each school, and the several items or bills of expenditure paid by said board during the year under the respective heads of erection and repairs of school houses, salaries of superintendent and teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, which report shall be published in the newspaper used by the said common council for the publication of the proceeding of the said council; and shall also, on or before the first Friday of

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March in each year, report to the common council of the said town the names of the members of the board of education whose term of office expires at the period of the ensuing charter election of said town, and shall also notify the said common council of any vacancy which may at that time exist in said board of education.

13. *And be it enacted*, That all acts and parts of acts which are inconsistent with or contrary to the provisions of this act, are hereby repealed. Repealer.

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

Approved March 9, 1869.

CHAPTER CVIII.

An Act for the organization of the National Guard of the State of New Jersey.

ORGANIZATION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the active militia of this state shall be known as "The National Guard of the State of New Jersey," and shall consist of not more than sixty companies of infantry, and such batteries not more than two, and such cavalry companies not more than six, as may be authorized by the commander-in-chief, to be organized into brigades, in number not more than three, and to be comprised in one division; *provided*, that each county of the state shall be entitled to at least one of said companies. National Guard, how constituted. Proviso.

2. *And be it enacted*, That the Rifle Corps of this state and the present organized uniformed militia shall be included in the National Guard. State rifle corps.

3. *And be it enacted*, That the commander-in-chief is hereby authorized and empowered to proceed at once to organize the National Guard in conformity to this act. Commander-in-chief to organize national guard.

4. *And be it enacted*, That the National Guard shall be of-

How officered, and rank.

ficered as follows, and not otherwise: The governor shall be commander-in-chief; his staff shall be as follows: four aides-de-camp, with the rank of lieutenant colonel, whose term of service shall expire with that of the governor; one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general; one surgeon general, with the rank of brigadier general; one inspector general, with the rank of colonel of cavalry; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; the quartermaster general shall be acting commissary general, and the inspector general shall be acting paymaster general; there shall be a major general of division; his staff shall be as follows: three aides-de-camp, each with the rank of major: one inspector, with the rank of colonel; one assistant adjutant general, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel, and one quartermaster, with the rank of lieutenant colonel; there shall be one brigadier general to each brigade; his staff shall be as follows: one inspector, with the rank of lieutenant colonel; one assistant adjutant general, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one surgeon, with the rank of major; one paymaster, with the rank of major; two aides-de-camp, with rank of captain; to each regiment there shall be one colonel, one lieutenant colonel, and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of first lieutenant; one chaplain, to rank as captain; one sergeant-major, one quartermaster sergeant, one commissary sergeant, and one principal musician; to each company there shall be one captain, one first lieutenant, one second lieutenant, five sergeants, five corporals, two musicians, and not less than forty nor more than eighty privates.

Brigades, regiments, &c., to be numbered.

5. *And be it enacted*, That brigades, regiments, battalions, batteries and cavalry companies shall be numbered by the commander-in-chief in such manner as he shall deem proper and best calculated to secure uniformity, and a register thereof shall be kept in the adjutant general's office.

When to be disbanded.

6. *And be it enacted*, That whenever any company, bat-

talion or regiment shall fall below the standard of numbers required by this law to constitute the same, or shall be guilty of mutinous conduct, the same may be disbanded or consolidated with other corps by the division commander.

ELECTIONS, APPOINTMENTS, RESIGNATIONS, &C.

Date of rank.

7. *And be it enacted*, That all officers hereafter appointed or elected shall take rank from the date of such appointment or election: when two of the same grade bear equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment or battalion.

Elections to be by ballot.

8. *And be it enacted*, That all elections shall be by ballot, on five days' notice of their time and place to all persons entitled to vote, and a majority of all the votes cast shall be necessary to a choice.

Commissions, how issued and delivered.

9. *And be it enacted*, That all general, field, line and staff officers who shall have been duly elected or appointed, shall be commissioned by the commander-in-chief, and their commissions shall be sent by the adjutant general by whom the said commissions shall be countersigned to the officer who held the election or who made the appointment; no commission shall be delivered to the person elected or appointed until he shall be uniformed and equipped according to the regulations of the military service of the United States, or the regulations of this state, if a different regulation exist in this state; should any person so elected or appointed, neglect or refuse so to uniform and equip for one month from the time of his election or appointment, the commission shall be returned to the adjutant general, with the cause of its return endorsed upon it, and the election or appointment shall thereupon be void; all non-commissioned officers shall receive warrants from their respective commandants, these are to be on parchment blanks and to be furnished by the adjutant general.

Oath to be subscribed.

10. *And be it enacted*, That each and every officer who has been or may hereafter be appointed and commissioned in the manner aforesaid, and who shall not already have taken the same, shall, previous to his entering on the execution of his office, give assurance of fidelity and attachment to the government of the United States and of this state, by taking and subscribing the following oath or affirmation be-

fore the general or some field officer of the brigade: "I , do sincerely profess and swear (or affirm as the case may be) that I will and do bear true faith and allegiance to the government established in this state, under the authority of the people, and will with integrity execute the office of of the National Guard of the state of New Jersey, according to the best of my ability, so help me God;" and a certificate thereof shall be made upon the back of every commission by the general or field officer before whom the said oath or affirmation shall have been taken and subscribed.

Resignations, how made and accepted.

11. *And be it enacted*, That any commissioned officer wishing to resign shall to that end make application in writing, if a line officer to the commandant of his regiment or battalion; if a field officer, to the commandant of brigade; if a brigadier general to the commandant of division; if commandant of division to the commander-in-chief; if a staff officer to the officer upon whose staff he serves; and if a sufficient reason for such resignation appear to the officer to whom such application is made, he shall so certify by written endorsement on such application, and transmit such application through the proper channels to the adjutant general, who shall file the same in his office, and thereupon such resignation shall be held to have been accepted and the commission to be void; no commissioned officer shall be permitted to resign except in the manner herein prescribed.

Commissions, when to be void.

12. *And be it enacted*, That if any officer holding a commission, is appointed or elected to another office in the state forces, and accepts the same, his commission which he held at the time of such appointment or election shall be void; and if any officer remove out of the state, or be absent therefrom more than six months, his commission shall thereupon be void; and if the corps to which any officer belongs is disbanded, or ceases to exist, the office of such officer shall thereby expire, and he shall be placed on the retired list by the adjutant general.

Vacancies, how filled.

13. *And be it enacted*, That whenever the office of brigadier general shall, from any cause, be vacant, the major general of division shall give notice of an election to be held to fill the vacancy; he shall preside at the election, and shall immediately certify its result to the commander-in-chief; whenever the office of colonel, lieutenant colonel, or major of a regiment or battalion shall be vacant, the commandant of the brigade to which such regiment or battalion

belongs, shall in like manner give notice of, preside at, hold and certify the result of the election; whenever the office of captain or lieutenant of a company shall be vacant, the commanding officer of the regiment or battalion to which such company belongs, shall give notice of an election to fill such vacancy, and he shall hold accordingly and preside at the election, and certify its result to the commander-in-chief.

Proceedings when there is not a qualified officer to hold election.

14. *And be it enacted*, That when there shall not be an officer qualified to hold an election as prescribed in this act, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of and conduct it in all respects as hereinbefore prescribed, and he shall certify its results to the commander-in-chief.

Brevet rank.

15. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to confer upon such citizens of this state, not exceeding three, as shall have served long and meritoriously as adjutant general, quartermaster general, or brigadier general of the national guard, the rank of brevet major general; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate; and all other laws authorizing the conferring of brevet rank in the militia are hereby repealed, the rank heretofore conferred under them, however, is not to be affected by this repeal, but the commissions issued on the same are to be and remain in full force.

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DUTIES OF OFFICERS—ADJUTANT GENERAL.

All orders to be distributed by adjutant general.

16. *And be it enacted*, That it shall be the duty of the adjutant general to distribute all orders from the commander-in-chief of the state to the several corps; he shall attend at public reviews, if required, when the commander-in-chief shall review the National Guard, or any part thereof; he shall obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; he shall furnish blank forms of the different returns that may be directed by the commander-in-chief, and shall explain the principles on which they shall be made; from the report of the inspector general he shall make proper abstracts, and lay the same, with a report of the general state of the National Guard, and also of such

improvements as he may think necessary to advance the discipline of and benefit of the National Guard, before the commander-in-chief of the state, who is required to lay the same before the legislature; he shall also annually make a return of the National Guard of this state to the president of the United States; he shall keep a book, in which shall be recorded all orders, returns, names of commissioned officers throughout the state, and also every proceeding relative to the details of the military force ordered by the commander-in-chief upon requisition of the president or congress of the United States in case of invasion or other emergency; all certificates of election of officers shall be transmitted to him, to be entered on record before such officers shall be commissioned by the commander-in-chief.

QUARTERMASTER GENERAL.

Each stand of arms to be stamped.

17. *And be it enacted*, That it shall be the duty of the quartermaster general to cause each stand of arms now in the arsenal, or which may hereafter be received as the quota of the state, to be struck on the barrel with a steel die, with the letters N. J.

Arms and equipments, how furnished and distributed.

18. *And be it enacted*, That the quartermaster general shall, upon the application of the commandant of any corps of National Guard, who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of this state and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commanding officers of the company to give bond with sufficient security, that the same shall not be loaned nor suffered to go out of the possession of the company, and shall be kept in good order, and returned to the state arsenal when he shall so require; it shall be his duty carefully to compare the returns made by the respective brigade inspectors, of the number and condition of public arms and equipments in the respective regiments and battalions inspected, with the number actually loaned to the respective companies in such regiments or battalions; and if the number does not fully appear on the respective returns, or their good condition is not manifested, the said quartermaster general shall cause the public arms

and equipments of such companies to be returned to his care; he may require all arms belonging to the state, deposited in any place, or in possession of any person or persons, not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments so returned separate from those already in the arsenal; it shall be the duty of the quartermaster general, the first week of every session of the legislature, to lay before them a return of the number and condition of the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all camp equipage in his charge; and he is authorized to require from the respective brigade inspectors such particular returns as may give every information requisite, fully to carry this section into effect; he shall require annual returns from the captain or commanding officer of every uniformed corps furnished with arms and equipments, the property of the state, on or before the first day of December in each year, of the actual situation, condition, and number of the arms and accoutrements, and the number of men actually enrolled, equipped and in uniform, doing military duty, of the respective corps; and in case of failure of such commanding officer to make such returns, or if the number of arms loaned to such corps does not fully appear on the respective returns, or their good condition is not manifest, the quartermaster general shall cause the said arms and equipments to be returned to his care; he may from time to time issue such orders and make such regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of the state in the use of the uniformed companies; he may issue to any officer the arms and accoutrements required by him, for his use in the military service of the state, on payment of the regulation price, said price to be placed to the credit of the arsenal, and accounted for by the quartermaster general in his annual report; he shall furnish upon due requisition, such arms, ordinance and accoutrements, equipments or implements therewith, ammunition, tents, camp equipage or other state property, and such subsistence and forage, to conform as nearly as may be to the rations and forage prescribed for the armies of the United States, to be issued in kind as may be required at any time for the use and supply of the state forces at any parade, en-

Report to be made to legislature.

campment or station, or as may be required by them when on actual service; he is hereby authorized to nominate and appoint, by and with the advice and consent of the commander-in-chief, from time to time, a suitable person or armorer or keeper of the state arsenal, to take charge of the said arsenal, to repair and keep in good and proper order, the arms and equipments belonging to this state, that now are or may hereafter be placed under his charge, and the said armorer shall be responsible to the quartermaster general for the safe keeping of the said arms and equipments.

Armorer to be employed.

Compensation

19. *And be it enacted*, That the treasurer of the state be and he is hereby authorized and directed to pay a salary, at the rate of five hundred dollars a year, to the armorer, in quarterly payments, and one dollar and twenty-five cents per day to one assistant in like manner, so long as they shall be actually employed in repairing and keeping in order the arms and equipments of the state, upon warrants drawn by the quartermaster general, and approved by the commander-in-chief.

SURGEON GENERAL.

Powers and duties of surgeon general.

20. *And be it enacted*, That the surgeon general shall have charge and general supervision of the medical department of the state forces, and shall issue from time to time such regulations, subject to the approval of the commander-in-chief, as the necessities of the case may require, he shall if duly called upon, examine the location of all camps or stations, to see that they be established in proper places, and be properly laid out and conducted with reference to the health and comfort of the troops; or he may detail an officer for that purpose; he shall also establish a medical bureau, in which all papers and transactions of his department, and all statistics and available information, concerning the health and comfort of the troops in camp and in the field, shall be preserved for the use and guidance of the medical staff, and he shall deliver the same over to his successor; all persons nominated as surgeons or assistant surgeons to any command, shall be first examined by the surgeon general, or such competent surgeon on the medical staff of the state forces as he shall designate for that purpose, and no person shall be appointed upon the medical staff except

upon the certificate of the examining officer, that he is a fit and competent person for such appointment.

INSPECTOR GENERAL.

Powers and duties of inspector general.

21. *And be it enacted*, That it shall be the duty of the inspector general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of brigade inspectors make a report of the condition of the national guard to the adjutant general on or before the first day of December in every year; he shall have power to inspect all armories, arsenals, or military storehouses, and as acting paymaster general, all accounts of paymasters, and report the condition of the same at any time to the adjutant general for his action.

DIVISION INSPECTOR.

Duty of the division inspector.

22. *And be it enacted*, That it shall be the duty of the division inspector to see that the brigade inspectors make proper inspections, and transmit to him due returns of the same.

BRIGADE INSPECTORS.

Duties of the brigade inspectors.

23. *And be it enacted*, That it shall be the duty of the brigade inspectors to once a year attend the brigade, regimental and battalion reviews, parades and musters of their respective brigades of the national guard, and to inspect their arms, ammunition and accoutrements; each brigade inspector shall make returns annually, on or before the first day of December in every year, to the inspector general of the state, of the brigade to which he belongs, reporting therein particularly the name of the reviewing officer, the actual condition of the arms, ammunition and accoutrements, their armories and storehouses, and every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline; in case of the absence of the brigade inspector, the commanding officer present at the inspection shall appoint some officer to perform the duties thereof; it shall be the duty of the respective brigade inspectors, in the annual returns required from them, to make a particular statement of the

companies in uniform, their arms and equipments, likewise the arms and equipments, if any, belonging to the state, which may have been loaned to the brigade, or to any companies within the bounds thereof, or that may have been purchased with money arising from fines levied within their respective brigades.

PAYMASTERS.

Duties of paymasters.

24. *And be it enacted*, That all division, brigade, regimental and battalion paymasters, or persons acting as such, shall be the collecting and disbursing officers of their respective divisions, brigades, regiments and battalion, and shall have charge, under the provisions of this act, of collecting and accounting for fines and penalties, as hereinafter provided; they shall, before entering upon the duties of their office, severally give bond, with sufficient sureties to be approved by the commandant of the division, brigade, regiment or battalion, as the case may be; division and brigade paymasters in the sum of three thousand dollars, regimental and battalion paymasters in the sum of five thousand dollars, conditioned for the faithful performance of the duties of their respective offices, and shall repair to the clerk of the county in which they reside, and take and subscribe the following oath or affirmation: I, , appointed paymaster of the division (brigade, regiment or battalion, as the case may be,) of the National Guard, do swear (or affirm) that I will, to the utmost of my knowledge and ability, honestly and faithfully perform the duties of the office of paymaster of the said division, (brigade, regiment or battalion,) so help me God; which oath (or affirmation) the said clerk shall administer and endorse on the said bond, and file the said bond in his office, to be prosecuted whenever the brigade, regimental or battalion board shall so direct; the said clerk shall, on the back of the paymaster's commission, give a certificate under his hand and seal of the county, of said bond and oath (or affirmation) having been taken and filed, which shall be received as evidence of the authority of said paymaster.

Oath.

Brigade paymaster to keep a journal of his proceedings.

25. *And be it enacted*, That every brigade paymaster shall keep a journal of his proceedings, and receive and file all vouchers and returns, and keep proper and distinct accounts of the moneys accruing from the fines and forfeitures,

in the several regiments and battalions in the brigade, which shall be paid or returned to him, and shall also receive and file all returns, orders, vouchers and receipts for all moneys which he may receive and pay conformably to law, and he shall submit his books of account, returns, orders, vouchers and receipts to the inspection and examination of the brigade board, to whom he shall account from time to time for all moneys and returns by him received, and produce orders for any disbursements he may have made, and he shall make like submission to the treasurer of the state, or to such other officer or officers as may be provided by order or regulation of the adjutant general, with the approval of the commander-in-chief, whenever the treasurer or such other officer or officers may require.

Regimental or battalion paymasters to keep a journal

26. *And be it enacted*, That the regimental or battalion paymasters, or persons acting as such, shall in like manner keep a journal of their proceedings, receive and file all papers and vouchers, and receipts for all moneys received and paid out by them, and shall account to the regimental or battalion board for all moneys or returns received by them, and produce orders for any disbursements they may have made to the regimental or battalion board, and from time to time to such other officer or officers, or board of officers, as may be prescribed by order or regulation of the adjutant general with the approval of the commander-in-chief.

Fines of delinquents, how collected.

27. *And be it enacted*, That if any delinquent or delinquents shall neglect or refuse to pay any fine or fines returned against him or them, to any paymaster or person acting as such, such paymaster or acting paymaster shall immediately thereafter put the return or list of said fine or fines so unpaid into the hands of any judge of the inferior court of common pleas of the county, or justice of the peace of the town or city where the delinquent resides or has property, who is required forthwith to issue execution against the person or persons named in said return or list, for the sum or sums assessed opposite their respective names, with costs, as in cases of taxation, directed to the sheriff of the county, or to any constable of the town or city in which such delinquent resides or hath property, who is required to levy the same of the goods and chattels of the delinquent, and to pay the sum or several sums in said execution named, within thirty days, to the paymaster or person acting as such, charged with the collection of said fine or fines; the form of the execution

Form of execution.

shall, as near as may be, be as follows: county: The State of New Jersey to the sheriff of (or to one of the constables in) the county of Whereas, the persons named in the schedule or list, hereunto annexed, have been duly adjudged for deficiency in military duty or equipments, to pay the fines to their names respectively annexed, you are therefore commanded forthwith of their several goods and chattels, respectively, within the said county, to levy by distress and sale thereof, the fines set opposite their respective names, with costs, and to pay the same to paymaster of battalion, (regiment, brigade or division) and you are to make return of this execution, with your doings therein, unto me within thirty days next coming, for which this shall be your sufficient warrant; Hereof fail not. Given under my hand and seal the day of in the year of our Lord, eighteen hundred and

JUDGE ADVOCATE GENERAL.

Duties of the judge advocate general.

28. *And be it enacted*, That it shall be the duty of the judge advocate general to have supervision, care and management of all things relating to the administration of justice among the military forces of this state; he shall act as judge-advocate at all courts martial where the public interests require his attendance; he shall, when required so to do, by the commander-in-chief, report his opinion on any question of law involved in this act.

ASSISTANT ADJUTANT GENERAL.

Duties of the assistant adjutant general.

29. *And be it enacted*, That it shall be the duty of the assistant adjutant general in the absence of the adjutant general from the capital of the state, or in case of his inability to perform all his duties, to himself perform or assist therein.

STATE, BRIGADE, REGIMENTAL, BATTALION AND EXAMINING BOARDS.

Board of officers to be called "state military board."

30. *And be it enacted*, That there shall be a board of officers to be called the "State Military Board," and to consist of the adjutant general, quartermaster general and commandant of the division, who from time to time shall prepare and

submit rules and regulations, forms and precedents, for the use and government of the National Guard, and the same upon the approval of the commander-in-chief and by his order, shall be published in orders by the adjutant general, and be distributed to the commissioned officers of the state, and from the publication thereof the same shall be binding upon the National Guard.

Brigade board, their powers and duties.

31. *And be it enacted*, That to each brigade there shall be a brigade board, composed of the brigadier general and commandants of regiments and battalions of the respective brigades, and a majority of the members shall be necessary to form a board; they shall meet at least once in each year, at such place as shall be agreed upon by the majority of the board; it shall be lawful for the brigadier general or commandant of any brigade of the National Guard, to convene, for the transaction of any appropriate business which may come or be laid before them, the brigade board of said brigade, whenever, in his opinion, it shall be proper or necessary so to do; and a meeting of said board shall be called for the transaction of such business by the brigadier general or commanding officer, whenever so requested by the majority of the members of said board; the assistant adjutant general shall be ex-officio clerk of the board, and shall keep a record of all their proceedings; at each meeting of the brigade board, the officer of the first grade and seniority present, shall preside; the brigade board shall have power to compel the attendance of its members by imposing a fine, which shall not in any case exceed twenty dollars; the brigade board may authorize the formation of new companies to fill vacancies, subject to the approval of the division commander, and attach them to such regiment or battalion of their brigade as they may think proper, they shall draw orders on the brigade paymaster for all lawful and necessary expenses, adjust, inspect and settle his accounts, and determine what balance is in his hands; and in case of the delinquency or neglect of duty on the part of the paymaster, his successor is hereby empowered and required to prosecute the delinquent or defaulter, his sureties, his or their executors or administrators for any moneys remaining in his hands belonging to the brigade, in any court where the same may be cognizable, with costs of suit; the brigade board shall determine the balances which the regimental or battalion paymasters shall severally pay to the brigade paymaster; the regimental or battalion boards shall adjust and settle the ac-

counts of their respective regimental or battalion paymasters, and determine the balance in their hands; and in case of the neglect of duty, default or embezzlement of any regimental or battalion paymaster, his successor shall prosecute such regimental or battalion paymaster, guilty of default, embezzlement or neglect of duty as aforesaid, his sureties, his or their executors or administrators, for all moneys due to the regiment, battalion or any company thereof, from such regimental or battalion paymaster, in any court where the same may be cognizable, with costs of suit; the brigade board shall, on returns made to them by the assistant adjutant general, regimental or battalion paymaster, of any delinquent officer (where no satisfactory excuses are offered,) assess such fines on such defaulter as are directed by law; they shall preserve order at their several meetings by imposing a fine, not exceeding ten dollars, upon any person who shall interrupt or insult them while engaged in the business of the brigade, which fine shall be collected by the brigade paymaster in the same way as fines on delinquent officers, and return a list of the names of such delinquents, together with the name or names of any defaulting member or members of said board with the amount of the fine or fines annexed, to the brigade paymaster.

Regimental and battalion boards, their powers and duties.

32. *And be it enacted*, That there shall be a regimental board of officers to each regiment, and a battalion board of officers to each battalion, to consist of all the commissioned officers of the regiment or battalion, which shall have power to pass laws for their own government and that of the regiment or battalion, and to establish fines and penalties for violation of such laws; to establish penalties for the non-attendance of the officers, non-commissioned officers and privates at any drill of the regiment or battalion; all companies of the National Guard shall have power to adopt by-laws for their internal government, to establish fines and penalties for violation of such by-laws, and to provide for the expulsion, by company court martial, of unruly and insubordinate members, such expulsion to be subject to the approval of the commandant of the regiment or battalion.

Examining board to be appointed.

33. *And be it enacted*, That the division commander shall appoint three experienced officers of the National Guard, above the rank of lieutenant colonel, who shall constitute an examining board for officers; the division commander may order before them for examination as to physical ability,

moral character, capacity, attainments, efficiency and general fitness for the service, any officer in commission in the National Guard; this board shall report to the division commander, who shall have power on report of this board to place said officer on the retired list, and declare a vacancy; and if any officer shall refuse to report himself, when directed, before this board, the division commander shall, by order, declare him so retired, and shall report such retirement to the adjutant general.

UNIFORMS, ARMS AND EQUIPMENTS.

Uniforms.

34. *And be it enacted*, That every company of the National Guard shall be uniformed according to the regulations established by the board of the regiment or battalion to which it may be attached, which regulations shall be subject to the approval of the commander-in-chief.

Uniforms, &c. to be exempt from sale.

35. *And be it enacted*, That the uniforms, arms and equipments, and other military property of members of a uniformed corps, shall be exempt from sale under execution, and from every process of law, except such as may be issued in pursuance of the sentence of court martial.

Armories to be provided for each corps.

36. *And be it enacted*, That every uniformed corps before being furnished with arms and equipments shall provide themselves with a suitable armory or place of deposit, within the bounds of the corps wherein the arms, and equipments furnished by the state shall be carefully kept for the use of such corps for military purposes only, and shall not be loaned or hired out, nor used for any other purpose whatsoever; the commander-in-chief may on application of the principal of any military academy or school in this state for that purpose furnish such academy or school with any arms and equipments, the property of this state, when in his opinion they can be spared without manifest injury to the service of this state or of the United States, the said principal giving bond with sufficient security for the keeping of the same in good order and repair, and returning the same when required, or an equivalent.

Time within which uniforms shall be provided.

37. *And be it enacted*, That every non-commissioned officer and private shall be supplied by the regimental or battalion board to which his company is attached with his proper uniform within two months after the organization of his

corps or his joining the same, such uniform to be and remain the property of the regimental or battalion board.

Uniforms, &c., to be kept in armory.

38. *And be it enacted*, That the uniforms and equipments to be issued to each company shall be left at the company armory for safe keeping, and whoever shall sell or dispose of any such uniform or equipments, or shall refuse to deliver up the same after demand therefor, to the quartermaster or acting quartermaster of the regiment or battalion to which the company to which such uniform or equipments may have been issued shall be attached, or shall secrete or remove any such uniform or equipments with intent to sell or dispose thereof, without the written consent of the regimental or battalion board to which the company to which such uniform or equipments may have been issued is attached, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than two nor more than six months, or by a fine of not more than one hundred dollars nor less than fifty dollars, or by both such [fine] and imprisonment at the discretion of the court.

Amount which shall be paid yearly in lieu of uniforms and rent of armory

39. *And be it enacted*, That in lieu of the present provisions for uniforms and drill room or armory rent and pay, there shall be paid on the first Monday of April of each year to the paymaster or acting paymaster of each regiment or battalion of the National Guard the sum of five hundred dollars per company for each company duly organized which at said time is attached to the regiment or battalion, to which said paymaster or acting paymaster belongs, to be expended by the said paymaster or acting paymaster, only under the direction of the regimental or battalion board of the regiment or battalion to which such paymaster or acting paymaster belongs, subject to the approval of the commandant of the said regiment or battalion, for the purpose of procuring drill rooms and armories, for the purchase of uniforms, and to defray other expenses incident to the existence of the regiment or battalion, or companies attached to the regiment or battalion; and for any company duly organized subsequently to the first day of April in any year, the said paymaster or acting paymaster shall receive at the rate of five hundred dollars per year for the unexpired part of the year ending on the first day of April then next, to be expended only in the manner stated above.

40. *And be it enacted*, That the commander-in-chief shall

have full power, at his discretion, to make such disposition of the interest of the state in the uniforms issued heretofore to the militia and rifle corps of this state, as he shall deem most for the benefit of the militia service of the state, having due regard to the claims by way of part payment on the same in favor of those to whom they have been issued.

Interest of the state in uniforms heretofore issued, how disposed of.

41. *And be it enacted*, That the quartermaster or acting quartermaster of any regiment or battalion of the National Guard, upon the order of the commandant of the regiment or battalion to which he may be attached, shall have power to seize upon and hold as the property of the regimental or battalion board, any uniforms or equipments, or any part thereof, which are the property of the regimental or battalion board of the regiment or battalion to which the quartermaster or acting quartermaster may be attached; and it shall be the duty of any justice of the peace of this state, on complaint on oath to him made by any such regimental or battalion quartermaster or acting quartermaster, that any uniform or uniforms or equipments is or are unlawfully withheld from him by any person or persons in the county in which said justice has jurisdiction, and that the same are believed to be in any particular place to be specified in the complaint, to issue to a constable of said county his warrant in the nature of a search warrant, for said uniform or uniforms or equipments, which warrant shall be executed in like manner as a search warrant, and the officer to whom the same is directed shall have the same powers and authority in executing the same that he would have in executing a search warrant, and on finding said uniform or uniforms or equipments, he shall deliver the same to said quartermaster or acting quartermaster.

Duties and powers of quartermasters and acting quartermasters.

PARADES AND DRILLS.

42. *And be it enacted*, That every company of the National Guard shall be paraded at least twelve times in every year, and at least one of its parades shall be by brigade.

Parades by brigade.

43. *And be it enacted*, That the orderly sergeant or acting orderly sergeant of each company shall notify every member thereof of any parade, ordered in pursuance of this act, by a written or printed notice, to be left at the residence or place of business of such member, or sent by mail, at least two days before the time specified for such parade; at the time and place of meeting named in said orders, the orderly ser-

Written or printed notices of parades to be given.

geant shall call the roll of the company, and shall make a true list of all present or absent at each roll-call; if the company be part of any battalion, regiment or brigade, then the commandant of the company shall make copies of the return of the sergeant, and certify and forward the same to the commandant of the battalion, regiment or brigade; adjutants and assistant adjutant generals shall in like manner, by service of written or printed notice or by mail, three days prior to the day fixed for parade, notify commissioned officers, call the roll of officers, and make return to the commanding officers in cases of battalion, regimental, or brigade parade.

Encampments.

44. *And be it enacted*, That in addition to the number of days for drill, now required by law, all the National Guard may, once in three years, when so ordered by the governor, be required to attend an encampment at such time and place as the commander-in-chief may appoint, which encampment shall continue at least six days, during which time the troops shall be exercised in company and battalion movements and target practice, and be carefully instructed in the whole routine of camp and field duty.

Right of way.

45. *And be it enacted*, That when a brigade, regiment, battalion or company parade according to law, they shall have the right of way through any street or highway through which they may pass.

FINES AND THEIR COLLECTION.

Courts martial, how constituted.

46. *And be it enacted*, That there shall be a company court martial to each company, consisting of one commissioned officer, one sergeant, one corporal and two privates, who shall be appointed annually by the commandant of the company; there shall be a regimental court to each regiment, and a battalion court to each battalion, each to consist of one field officer or senior captain, as president, one captain, and one first lieutenant, who shall be appointed annually by the respective commandants of regiments and battalions; they shall hold at least three sittings in each year, at such times and places within the bounds of their commands, as the said commandants respectively shall direct, notices of which sittings shall be published as the rules and by-laws of the company, or of the regiment or battalion board shall prescribe; said courts shall have power to hear and decide upon all excuses of the members of their respective commands for non-

attendance at company, regimental or battalion duty, or neglect of duty prescribed by law, or the laws and regulations of any company, or of the regimental or battalion boards in pursuance of law; and they may impose such fines or penalties, within the purview of this law, as in their judgment may seem proper

Duties of the presidents of courts martial.

47. *And be it enacted*, That it shall be the duty of the presidents of such courts respectively to transmit to the officer commanding the company, regiment or battalion, as the case may be, the findings of the courts, together with a correct list of all delinquents upon whom said courts shall have imposed fines, and the amount of each fine, and such commandant countersigning said list of delinquents, shall transmit the same to the regimental or battalion paymaster, or person acting as such, and if any delinquent shall refuse to pay to such paymaster or acting paymaster the fine or fines against him within ten days after notice in writing, to him given to pay the same, then it shall be the duty of the paymaster or acting paymaster to proceed to collect and enforce the same according to law; and all the moneys so collected shall be expended for the use and purposes of the command whose court imposed said fine, as the by-laws or official board thereof may direct.

Appeals.

48. *And be it enacted*, That from the sentence of any regimental or battalion court imposing a fine, there may be an appeal if made within ten days to the commandant of the regiment or battalion, who may remit such fine and certify the remission to the paymaster or acting paymaster charged with the collection of said fines.

Lists to be made of members in arrears

49. *And be it enacted*, That company commandants shall transmit to the commandant of the regiment or battalion of which they are a part, a correct list of all members of their respective companies who are in arrears for any fines or penalties imposed upon them; and commandants of regiments or battalions shall direct the paymaster or acting paymaster serving under their command, to collect or cause to be collected and enforced according to law, any fines or penalties which may be returned to them.

Disbursements of moneys received from fines, &c.

50. *And be it enacted*, That all moneys received from fines and penalties by the brigade paymasters or acting paymasters shall be paid out under the direction of the brigade board, subject to the approval of the commandant of the brigade; all moneys received in like manner by regimental or battalion paymasters, or persons acting as such, shall be paid out under

the direction of the regimental or battalion board, subject to the approval of the regimental or battalion commander; all moneys received in like manner by the treasurer of any company, shall be disbursed as the rules and by-laws of the company shall direct, subject to the approval of the commandant of the company; but no moneys received by or accruing to any board or corps shall be expended for any other than military purposes, and any officer or officers or board assenting to any disbursement of the same for purposes not strictly military shall be subject to court martial therefor.

Amount of fines to be assessed for absence.

51. *And be it enacted*, That every officer, non-commissioned officer or private, who shall be absent from any parade or drill duly ordered, or from any state encampment, or from any active duty when called to the same, shall be subject to a fine; if the delinquent be a general officer, he shall be subject to a fine of ten dollars for every day he shall be so absent from such parade, drill, encampment or active duty; if a regimental or battalion officer, to a fine of eight dollars for every day; if a company or line officer, to a fine of six dollars for every day, and if a non-commissioned officer or private, to a fine of four dollars for every day of such absence.

Fines for absence without permission.

52. *And be it enacted*, That the same fines and penalties shall be respectively paid by every officer, non-commissioned officer and private who shall be absent at either roll call, or leave the parade of his regiment, battalion or company without permission obtained from the commanding officer, before the said regiment, battalion or company shall be dismissed, which said fines shall and may be recovered in the manner directed in this act.

Penalty for misbehavior.

53. *And be it enacted*, That if any non-commissioned officer, musician or private at any review or any other occasion when paraded in arms or on duty, shall misbehave or demean himself in any unofficerlike or unsoldierlike manner, he shall for such offence be cashiered, or expelled, or punished by fine not exceeding fifteen dollars, at the discretion of a regimental or battalion court martial; and if any non-commissioned officer or private shall on any occasion of parading the company to which he belongs appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard by order of the commanding officer present and until the company is

dismissed, and shall be fined at the discretion of a regimental court martial, in any sum not exceeding eight dollars.

Penalty for disorderly conduct.

54. *And be it enacted*, That any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or use any insulting or contemptuous or indecorous language or expressions to, or before any court martial or any member thereof, in open court, with intent to interrupt the proceedings of, or to bring into disrespect such court, or any member thereof, may be committed by such court to the county jail as for contempt of court for a term not exceeding three days.

Warrant of commitment, how issued.

55. *And be it enacted*, That when a commitment shall have been adjudged under either of the two preceding sections of this act, the president of the court shall issue a warrant under his hand and seal directed to the sheriff or either of the constables of the county in which said court shall sit, which warrant shall set forth the particular circumstances of the offence adjudged to have been committed, and shall command the officer to whom it is directed to take the body of the offender and commit him to the county jail, there to remain in confinement, without bail, for the time specified therein, and until the officer's fees for committing and the jailor's fees are paid, unless sooner discharged by the process of law.

Duty of sheriff or jailor under warrant of commitment.

56. *And be it enacted*, That the sheriff or jailor shall receive the body of any person who shall be brought to him by virtue of such warrant, and keep him until the expiration of the time mentioned in the warrant, and until the officer's and jailor's fees be paid, or until the offender shall be discharged by due course of law.

Penalty for interruption or molestation by bystanders

57. *And be it enacted*, That if any bystander shall interrupt, molest, or insult, by abusive words or behavior, any officer or soldier while on duty at any parade, drill, or meeting for military improvement, he shall be put immediately under guard, and kept, at the discretion of the commandant of the regiment, battalion, company or corps, until the drill, parade, or meeting be dismissed; and such commandant may turn over such bystander to any police officer of the city wherein such parade, drill, or meeting is held, to be kept by him in custody accordingly, and said police officer is required to detain him in custody accordingly.

Money for sale of property of delinquents after paying fines, how disposed of.

58. *And be it enacted*, That if any money shall remain in the hands of any constable after making sale of the property of a delinquent, and paying the fines and costs of such de-

linquent, such money shall be paid by the constable to the said delinquent; but if he shall refuse to receive the same, then the said constable shall pay the said money to the paymaster or acting paymaster of the regiment or battalion to which such delinquent belongs, to be by him accounted for in his settlement with the brigade board; and it shall be the duty of such constable, after having paid any such money into the hands of the regimental or battalion paymaster or acting paymaster, immediately to certify the same to the brigade board; no property shall be exempt from process for the payment of any fine imposed under this act.

Penalty for non-attendance at military court or board.

59. *And be it enacted*, That any member of a military board or court who shall not attend the meetings of said board or court when duly notified so to do, shall be subject to a fine not exceeding twenty dollars, to be imposed by said board or court.

Penalty in case of neglect by sheriff or constable.

60. *And be it enacted*, That any sheriff or constable to whom any process for the collection or enforcing any fine and penalties imposed by this act, is committed, shall be subject, for any neglect, misfeasance, or malfeasance, to like fines and penalties as are now imposed upon them for like neglect, malfeasance or misfeasance in executing final process in civil cases.

Penalty for non-attendance of witnesses.

61. *And be it enacted*, That witnesses not attending any military board or court when duly summoned or subpœnaed to appear before the same, shall be subject to like fines and penalties as are imposed for the like neglect or refusal in civil cases.

COURTS MARTIAL.

Presidents of courts martial to issue subpœnas for witnesses.

62. *And be it enacted*, That the president of every court martial, both before and after he shall have been sworn, and also the judge advocate, if required, shall issue subpœnas for all witnesses whose attendance at such court may in his opinion be necessary in behalf of the state, and also on application for all witnesses in behalf of any officer charged or accused, or persons returned as delinquent, and may direct the commandant of any company to cause such subpœna to be served on any witness, and such commandant shall cause the same to be served accordingly.

Presidents of courts martial to administer oaths.

63. *And be it enacted*, That the president of such court martial shall have power to administer the usual oaths to witnesses, and shall have the same power to compel attend-

ing witnesses to be sworn and testify, and to preserve order as courts of common law jurisdiction, and all sheriffs, jailors and constables are hereby required to execute any precept issued by such president or court martial for that purpose; any person sworn before any court martial and giving testimony in such court shall, in case he or she shall commit wilful and corrupt perjury in such testimony, be subject, on conviction of such perjury, to the pains and penalties by the laws of this state inflicted upon those who shall be guilty of wilful and corrupt perjury.

Penalty in case of delinquent witnesses.

64. *And be it enacted*, That every witness not appearing in obedience to such subpœna when duly served personally with a copy of the same, and not having a sufficient or reasonable excuse, shall forfeit to this state the sum of ten dollars, and the president of such court martial shall from time to time report to the prosecutor of the pleas of the county in which the court shall sit, the names of all such delinquent witnesses, with the names and places of residence of the persons serving the subpœna or subpoenas, to enable him to prosecute for such forfeiture.

Attachment may be issued to secure attendance of witnesses.

65. *And be it enacted*, That whenever it shall appear to the satisfaction of any court martial, by proof made before such court that any person duly subpœnæd to appear as a witness before said court shall have refused or neglected without just cause to attend as such witness, and it shall appear to the court that the testimony of such witness is material, such court, or the president thereof, shall have power to issue an attachment to compel the attendance of such witness, which attachment shall be executed in the same manner as a warrant, and by any officer authorized to execute warrants, and said court shall have the same power thereunder as courts of record in this state have in like cases.

Expenses of courts martial how paid.

66. *And be it enacted*, That the expenses of any court martial ordered by the commander-in-chief shall be paid by the state; the expenses of all other courts martial shall be paid out of any fund under the control of the officer ordering the same, or under the control of the board of which he is the presiding officer.

Mileage and compensation of officers and witnesses attending court martial.

67. *And be it enacted*, That officers composing courts martial and military boards, and witnesses attending before them, shall receive ten cents for every mile they necessarily travel in going to and returning from the place of trial, and the following sums for each day of attendance: the president

of a court martial or military board, five dollars; the judge advocate of the same, four dollars, which shall be in full compensation also for all services of preparing papers before, and making copies after any trial, inquiry or investigation; the members of each court or board, three dollars; each witness attending on such court or board, fifty cents; *provided*, that no more than four witnesses on the part of the state and four on the part of the offender shall be entitled to pay; fees for subpœnas and service of them shall be the same as in civil cases.

Action against a member of a court martial not to be maintained by reason of fine, &c.

68. *And be it enacted*, That no action shall be maintained against any member of a court martial, or officer or agent acting under its authority, on account of the imposition of a fine or the execution of a sentence on any person, if such person shall have been returned as a delinquent and duly summoned, and shall have neglected to appear and render his excuse for such delinquency.

EXEMPTIONS AND COMPENSATIONS.

Penalties and privileges of persons enrolled over a certain age.

69. *And be it enacted*, That all persons over the age of eighteen years, who are actually enrolled in or who shall join any uniformed corps, shall be entitled to the same privileges and be subject to the same penalties as are prescribed in this act.

Compensation when to be allowed to parent.

70. *And be it enacted*, That any father shall be allowed as for his services in the National Guard the time which his son, under the age of eighteen, shall serve as musician in the National Guard of this state.

Term of enlistment

71. *And be it enacted*, That every officer, non-commissioned officer, musician and private who is or may become attached to the National Guard, shall ipso facto be held to be enlisted therein, and shall be holden to duty therein for the full term of seven years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state.

Exempt from jury duty, poll and military tax.

72. *And be it enacted*, That all general and staff officers, all field officers, all commissioned and non-commissioned officers, musicians and privates of the National Guard of this state shall be exempt from jury duty, and poll and military tax during the time they shall perform military duty; and every person who shall have so served seven years, and shall

have been honorably discharged, shall forever after be exempt from jury duty.

Persons expelled to be reported.

73. *And be it enacted*, That the commandants of companies shall report the names of any persons in their respective companies who shall have been expelled, or who shall, from any other cause, become liable to serve as jurors, and to pay a poll tax, to the sheriff of the county, and to the assessor of the ward or township in which such persons may respectively reside; and any person who shall be expelled, or from any other cause leave the National Guard before the expiration of the term of service, shall not be entitled to claim any benefits of exemption for the time he may have served.

Arms or accoutrements not to be sold.

74. *And be it enacted*, That no commissioned officer, non-commissioned officer, musician or private shall be arrested on any civil process on any day appointed by lawful authority for exercise, parade or other military duty, nor shall any arms or accoutrements of a member of the National Guard be levied on or sold by virtue of any execution.

Exemption from jury duty after term of enlistment.

75. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the National Guard, who shall serve faithfully therein for the term of seven years, shall, at his request receive a discharge from the commander-in chief entitling him to exemption thereafter from jury duty, and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or paid the fine for any delinquency, or have been excused therefrom by the proper authority.

ACTIVE SERVICE.

In case of invasion term of service not to exceed three months.

76. *And be it enacted*, That the commander-in-chief may, in case of invasion or other emergency, order out any company, battalion, regiment, brigade or division of the National Guard, to march to any part of the state and continue in service so long as he may think necessary, not exceeding three months.

Powers of sheriffs, &c., in case of rio

77. *And be it enacted*, That in case of any breach of the peace, tumult, riot or resistance to process of this state, or apprehension of immediate danger of the same, in any city or county of the state, it shall be lawful for the mayor of

such city, or the sheriff of such county to call for aid from any brigade, regiment, battalion or company of such city or county, by application to the proper authority, and it shall be the duty of the commanding officer of such brigade, regiment, battalion or company to whom such application is made in writing, to order out verbally or otherwise in aid of the civil authorities, the military force, or any part thereof, under his command, and to provide the force so ordered out with the requisite ammunition for the service; and he shall be reimbursed therefor out of the treasury of this state on proof to the comptroller of his disbursement so made.

Compensation to be allowed for actual service.

78. *And be it enacted*, That for the performance of actual service of this state, (not in the service of the United States, and not including drills, parades, or encampments in time of peace), officers, non-commissioned officers, musicians and privates, shall receive from the state the like pay and rations as are received from the United States by the officers, non-commissioned officers, musicians and privates of the regular army; and whenever the service shall continue for the space of three months, each non-commissioned officer, musician and private shall receive one full and complete suit of uniform.

Pensions.

79. *And be it enacted*, That the widow, or minor children if there be no widow, of any officer or soldier who may be killed in the performance of any actual service of this state, (not in the service of the United States,) or any officer or soldier who may be wounded or disabled in performing such service, shall receive from the treasury of the state the like reward that persons under similar circumstances receive from the United States.

MISCELLANEOUS.

System of tactics, &c., how distributed.

80. *And be it enacted*, That the commander-in-chief shall purchase such system of tactics, regulations and other military books as may be necessary for the instruction of the National Guard, which books shall be distributed as the property of the state, under proper regulations through the adjutant general's office.

Annual provision for expenditures.

81. *And be it enacted*, That all moneys authorized by this act to be expended shall be paid by the treasurer of this state out of any moneys not otherwise appropriated, and it shall be the duty of the legislature annually to provide the re-

quisite funds for the payment of all moneys authorized to be expended under this act for the year.

Paymasters of companies to collect fines.

82. *And be it enacted*, That from the non-commissioned officers authorized by law there shall be one paymaster appointed by the commandant to each company who shall be empowered to collect all fines and dues in such manner as now is or may hereafter be prescribed by law.

Repealer.

83. *And be it enacted*, That all laws now existing, imposing military tax, are hereby repealed.

Act may be pleaded in evidence.

84. *And be it enacted*, That if any suit shall be brought or commenced against any person for anything done in pursuance of this act, the venue shall be laid in the county where the cause of action arose, and the defendant in such action may plead the general issue, and give this act and the special matter in evidence.

Expenses, how paid.

85. *And be it enacted*, That the commander-in-chief is authorized and empowered to make his requisition upon the treasurer, to meet the necessary and proper expenses to carry out the provisions of this act, and the treasurer shall pay the same upon the warrant of the governor, and not otherwise.

Repealer.

86. *And be it enacted*, That all acts or parts of acts for the regulation, organization, government or encouragement of the militia of this state, except the act entitled "A Supplement to the act entitled 'An act for the more effectual organization of the militia,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved March [eighteenth,] eighteen hundred and sixty-eight, be and the same are hereby repealed.

Enrollment.

87. *And be it enacted*, That notwithstanding anything herein contained the enrollment of the militia shall continue to be made in the manner now provided by law.

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

Approved March 9, 1869.

CHAPTER CIX.

An Act to incorporate "The Trenton Agricultural Works."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Melick, Bennington Gill, John Butterworth, John S. Cook and Amos Lanning, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style

Name.

of "The Trenton Agricultural Works," for the purpose of manufacturing and selling agricultural implements and other machinery, and carrying on business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a

Amount of capital stock.

capital stock of fifty-five thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to any sum not exceeding one hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

May purchase, hold and mortgage real estate.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time, one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Directors, how chosen.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors

shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, John Melick, Bennington Gill, John Butterworth, John S. Cook and Amos Lanning, being stockholders, shall be directors of said corporation; a majority of the directors, shall, on all occasions, when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder. First directors.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election. Not dissolved for failure to elect.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained. Annual statement.

6. *And be it enacted*, That the principal office of said company shall be at Trenton, in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation. Principal office, where located.

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such per- How dissolved. Proviso.

sons as the said stockholders shall appoint shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

Restrictions and liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 9, 1869.

CHAPTER CX.

An Act to confirm a deed of conveyance made by the First Congregational Church of the city of Paterson and Benjamin Crane, George I. Smith, Cornelius White, Moses G. Deeths, William Elliott, John F. Neill and William L. Evans, trustees thereof, to William Hamer.

Preamble.

WHEREAS, The First Congregational Church of the city of Paterson did, by their certain deed of conveyance, duly executed under the seal of said church and the hand of their president, and under the hands and seals of Benjamin Crane, George I. Smith, Cornelius White, Moses G. Deeths, William Elliott, John F. Neill and William L. Evans, trustees thereof, bearing date the first day of August, in the year of our Lord one thousand eight hundred and sixty-eight, grant, bargain, sell, alien, release, enfeoff, convey and confirm to the said William Hamer and to his heirs and assigns forever, all that certain lot of land and premises situate in the city of Paterson, in the county of Passaic, and state of New Jersey, beginning in Congress street at the northwest corner of the brick house

formerly belonging to John Croes; thence (1) southerly, at right angles with Congress street, one hundred and fifty feet, more or less; thence (2) westerly, at right angles with the first course, and parallel with Congress street, forty-five feet more or less, till it strikes the line formerly of Wright Flavel; thence (3) northerly, along said Flavel's line, one hundred and fifty feet, more or less, to Congress street; thence (4) easterly, along Congress street, forty-five feet, more or less, to the beginning; and whereas, there are doubts as to the validity of said deed, and the right and power of the said "The First Congregational Church of the City of Paterson," and the trustees thereof, so to make conveyance of and sell the said lot of land, premises and real estate; for remedy whereof,

Deed of conveyance confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to and vest in the said William Hamer, and his heirs and assigns, an estate of inheritance, in fee simple, of, in and to the said lot of land and premises forever; and that the said deed of conveyance, or the record thereof, shall be received in all courts of law and equity as full and complete evidence thereof.

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

Approved March 9, 1869.

CHAPTER CXI.

An Act to declare a paper writing, purporting to be the will of Herman William Precht, valid, for the purposes therein mentioned, and to authorize its proof before the ordinary.

Preamble.

WHEREAS, Herman William Precht, late a citizen and resident of the city of Bonn, (on the Rhine), in Germany, departed this life on the twenty-ninth day of April, eighteen hundred

and sixty-six, at that place, and at his death was seized and possessed of considerable real and personal estate, a portion of which said real estate lies in the city of Elizabeth, in the county of Union, in this state; and whereas, the said Herman William Precht left a paper writing, purporting to be his last will, and in which he disposes of all his property, and which was written and signed with his own hand, at the city of Bonn aforesaid, and dated August twenty-seventh, eighteen hundred and sixty-four; and it being represented that the said will is in due form, according to the laws of the country where the said Herman William Precht died, and that the same has been there admitted to probate; but it not being executed in conformity to the statutes of this state, so as to entitle the same to probate in this state, or in form so as to pass the property and estate therein mentioned;

Ordinary to issue letters testamentary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any one interested in the said paper writing, as executor, devisee or legatee, to file with the register of the prerogative court of this state an exemplified copy of the same, as admitted to probate in the country where the said deceased died, and after the same shall have been on file for the space of ten days, the ordinary shall, upon application of any of the parties interested as aforesaid, and upon his being satisfied that the said paper has been admitted to probate as the last will of the said Herman William Precht, according to the laws of the country of which the deceased was a resident at the time of his death, issue letters testamentary to the person or persons to whom letters have been issued in the country where the said paper has been so proved, or to such person or persons as such acting executor, by power of attorney duly executed, may designate for that purpose.

Devisees and legatees under the will to take property in this state.

2. *And be it enacted*, That the persons mentioned or declared heirs at law, or as devisees and legatees in the said paper writing, shall be entitled to take under the same all property, real and personal, in this state, in like manner as if the said paper writing had been in due form and executed and proved under and according to the laws of this state; the construction and effect of the same as to their interests and estate being according to the laws of the country where the said paper was executed.

3. *And be it enacted*, That it shall be lawful for the person

so appointed as executor by the ordinary to sell and convey the real estate situate in this state, and to dispose of the proceeds, as well as of any personal property that may be received by him as such executor, after paying the costs and expenses of administering the estate and reasonable commissions, according to the provisions of said paper writing, and for all purposes mentioned in this act, the said paper is hereby declared as valid and to have the same effect in law as if the same had been executed in all respects in conformity to the laws of the state of New Jersey, and in form and language effective thereunder, to vest the property in this state in the persons who would be entitled to the same according to the laws of the state where the said paper was executed. Powers of the executors.

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

Approved March 9, 1869.

CHAPTER CXII.

An Act to change the name of "The Union Pacific Transportation Company," incorporated by Acts approved March twenty-ninth, eighteen hundred and sixty-six, and April fourth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act approved April fourth, eighteen hundred and sixty-seven, changing the name of "The Erie Transportation Company" to "The Union Pacific Transportation Company," be and the same is hereby repealed, and the incorporation authorized and established by an Act entitled "An Act to incorporate The Erie Transportation Company," approved March twenty-ninth, eighteen hundred and sixty-six, shall from henceforth be known as "The Erie Transportation Company," and as such shall have, possess, and enjoy all the rights, privileges and powers by law conferred on said incorporation so established. Corporate name.

Claims, debts, &c., not to be affected.

2. *And be it enacted*, That the passage of this act or any matter therein contained shall not be held, deemed or construed in anywise to affect or prejudice the claims, debts or demands of any person or persons, being creditors or claiming to be creditors of the said corporation, and that all contracts made by the said corporation either by the name of "The Union Pacific Transportation Company" or "The Erie Transportation Company" shall be valid and binding on said corporation and on the other parties to such contracts, and that the same may be enforced by or against the said corporation by the name of "The Erie Transportation Company."

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

Approved March 9, 1869.

CHAPTER CXIII.

A Further Supplement to the act entitled "An Act for the preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the supplement to the act entitled "An Act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, which supplement was passed March twenty-fourth, eighteen hundred and fifty-two, shall be extended to and be of full force and effect within the township of Washington, in the county of Warren, in this state.

Repealer.

2. *And be it enacted*, That the first, second, fifth and tenth sections, and all such other sections and parts of sections of the act entitled "An Act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, as are repugnant to and inconsistent with the provisions of this act, so far as relates to the township of Washington, in the county of Warren, be and the same are hereby repealed.

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

Approved March 9, 1869.

CHAPTER CXIV.

A Supplement to an act approved February twelfth, one thousand eight hundred and sixty-two, entitled "A Supplement to an act entitled 'An Act to incorporate the New Jersey Exploring and Mining Company,'" approved February fifteenth, one thousand eight hundred and forty-nine.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Zinc Company be authorized to increase their capital stock three hundred thousand dollars above that now authorized by law.

Election of directors.

2. *And be it enacted*, That the election for directors of the New Jersey Zinc Company shall be held on the second Wednesday of October in each year, and that this act shall take effect immediately.

Approved March 9, 1869.

CHAPTER CXV.

A Supplement to the act incorporating the Walden Opera House and Hotel Company, approved April eleventh, eighteen hundred and sixty-seven.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the

Walden Opera House and Hotel Company is hereby changed to the "Paterson Opera House Company," and that this act shall take effect immediately.

Approved March 9, 1869.

CHAPTER CXVI.

An Act to change the name of the "Presbyterian Society of West Bloomfield."

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Presbyterian Society of West Bloomfield," be and the same is hereby changed to that of the "Presbyterian Society of Montclair."

Privileges and liabilities.

2. *And be it enacted*, That the legal powers, rights, immunities, privileges, and liabilities of said corporation, shall remain the same as if this act had not been passed, and that this act shall take effect immediately.

Approved March 9, 1869.

CHAPTER CXVII.

Supplement to the act entitled "An Act to incorporate the Bridgeton and Deerfield Turnpike Company."

Rates of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said turnpike company to charge for traveling all fractions of over half a mile of the said road, the same toll now charged for traveling a full mile, and if the whole

length of the road is not liable to toll, it shall be lawful to take pay for that part which is in good repair and tollable.

Penalty for evading payment of toll.

2. *And be it enacted*, That if any person with his carriage, team or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of the act to which this is a supplement, he shall forfeit and pay a fine of five dollars to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Proceedings when road is not kept in repair.

3. *And be it enacted*, That if the said company shall not keep the road and bridges in suitable repair, it shall be the duty of any judge of the court of common pleas of the county of Cumberland, upon complaint being made to him in writing; stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after three days notice in writing to said company specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company should not have repaired the bridge or part of the road complained of, or taken off the toll may proceed as is directed in the act to which this is a supplement.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1869.

CHAPTER CXVIII.

An Act to legalize an ante nuptial agreement between Charles K. Landis and Clara F. Meade.

Preamble.

WHEREAS, Charles K. Landis, in and by a certain ante-nuptial agreement made and entered into with Clara F. Meade, bearing date on the sixth day of October, anno domini eighteen hundred and sixty-eight, and duly recorded in the clerk's office of the county of Cumberland,

in book C. W. of deeds, folio forty-nine, did settle a jointure upon the said Clara in contemplation of matrimony; and whereas, doubts have been suggested, in view of the minority of the said Clara at the time of said settlement, whether the same is a legal bar to her claim of dower in the lands and real estate of which the said Charles was seized at the period of said marriage, or may become seized during said coverture; and whereas, the said parties have expressed the desire that all such doubts may be put to rest by legal enactment; therefore,

Claim for dower to be barred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said jointure, executed by the said Charles K. Landis and accepted by the said Clara F. Meade, shall be held and deemed a valid and effectual bar to any claim of dower by the said Clara in the real estate of the said Charles K. Landis; and it shall be lawful for the said Charles K. Landis to make and execute deeds of conveyance for all lands and real estate held by him during said coverture without the said Clara joining in said deeds; and all the real estate owned by the said Charles K. Landis at the date of said marriage, and that he may hereafter acquire, shall be held by him and by the respective purchasers of the same, or any parcel thereof, free and discharged of and from all claim of dower therein by the said Clara F. Landis.

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

Approved March 9, 1869.

CHAPTER CXIX.

An Act to facilitate judicial proceedings in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person shall be charged upon oath before any justice or police justice in the

county of Camden with any offense now triable by law before the court of general quarter sessions of the peace, and such person shall, in writing signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury and request to be tried immediately; it shall be the duty of said prosecutor, unless he and the presiding judge of the common pleas of said county shall think the public interest will be benefited by denying said request, to apply to any judge of the court of common pleas of said county for the immediate trial of said person, and said judge shall thereafter call a court of special quarter sessions, to be composed of himself and at least one other judge of said court to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he shall be forthwith discharged; if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, as shall be authorized by law, in case such person has been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses, and the costs of such proceedings, shall be in conformity with law, and especially the proceedings of the thirty-fourth and thirty-fifth sections of the act entitled "An Act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six, and the costs now taxable thereunder; and said costs, if not paid by the party convicted, shall be paid by the board of chosen freeholders, as in proceedings under said sections; *provided*, that no person charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law; *and provided further*, that if any person arraigned for trial before said court, under this act, shall be, or profess to be, ignorant of the English language, it shall be the duty of said court to cause the

Person charged with offence may waive indictment and trial by jury.

Proviso.

Proviso.

writing by such person signed, and the nature of the proceedings, to be interpreted and explained to such person, and not to proceed with said trial unless such writing shall be by such person thereupon again signed.

Fees of prosecutor.

2. *And be it enacted*, That ten dollars shall be taxed for said prosecutor in each case disposed of under this act, as part of the costs aforesaid, where a conviction of any person accused shall be had by a plea or otherwise.

Prosecutor may employ assistants.

3. *And be it enacted*, That it shall be lawful for said prosecutor to employ such assistants or deputies, in the discharge of his duties, to be by him alone compensated and directed, as he shall deem necessary, subject to rules of the supreme court and the approval of the court of oyer and terminer for said county as to the person or persons by him selected therefor.

Duties of clerk, sheriff, and other officers.

4. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all process whether of capias, subpœna, or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county and shall be by him served and returned under the same regulations and with the same compensation as heretofore; and the said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore.

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

Approved March 9, 1869.

CHAPTER CXX.

An Act to incorporate the Cape May and Shore Telegraph Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Knapp, Amos Robins,

William F. Smith, Albert W. Markley, James A. Scrymser, George M. Robeson, Charles P. Stratton and Oliver K. King, and their associates, shall be and they are hereby created a body corporate and politic by the name of "The Cape May and Shore Telegraph Company," and shall be capable of purchasing, holding and conveying any land or other real or personal property necessary or expedient for the objects of this corporation. Name.

2. *And be it enacted*, That the capital stock of this company shall be one hundred thousand dollars, with liberty to increase the same from time to time to an amount not exceeding five hundred thousand dollars, which capital stock shall be divided into shares of fifty dollars each, and shall be deemed personal property and be transferable in such manner as the corporation shall by their by-laws direct, and that the said company may commence operations as soon as the first named amount shall be subscribed, and may at once commence, finish and operate such part of their said line as they may deem most expedient; and the said corporation and its property shall be subject to taxation in the same manner as other corporations of this state; and subscription of stock of said company shall be open at some convenient place in the city of Camden for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated for that purpose, and it shall be lawful for the directors of the said company to call in and demand from the stockholders of said company respectively all sums of money by them subscribed, at such time and in such proportion as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in the said county of Camden. Amount of capital stock.

3. *And be it enacted*, That the said company shall have power to construct or purchase, and hold, use and maintain and operate a line of electric telegraph, with the appurtenances, from the city of Cape May, or some other convenient point on the shore of the ocean, in this state, to any point on the shore of the Delaware river or Delaware bay, south of Cooper's Point, in the county of Camden, and to any point on or within ten miles of the shore of the ocean, Power to construct line of telegraph.

or of any bay or inlet thereof, and thence to where they can make a connection with the most convenient telegraph line already authorized in this state, and they shall have power, also, if they shall at any time desire to do so, to connect their line or any part of it, with any submarine telegraphic cable or cables laid or to be laid, and to land the same on any shore, sea coast, island, reef, or sand bank of this state, and to connect it with their line, or by means thereof, with any other line already established in the state; and for the purposes aforesaid they shall have power to construct their line across the sea shore, islands, keys, sand banks and reefs belonging to or under the jurisdiction and control of this state, and over or under any of the public roads, streets or highways, and through, across or under any of the waters within the limits of the state, but in such manner as shall not interfere with the safety or convenience of the public, or injuriously affect the navigation of any waters; *provided*, that nothing herein shall be construed to authorize the construction of a bridge across any of the waters of this state, and that the use authorized of any highway or street shall be subject to the regulation of the corporate authorities of the township or other municipal corporation where such use shall be exercised.

Proviso.

Election of directors annually.

4. *And be it enacted*, That there shall not be less than seven, nor more than thirteen directors of the said company, two of whom, and the president, shall be residents of New Jersey, and the persons named in the first section of this act shall be the first directors of the said company; there shall be chosen by the stockholders on the first Monday in January, eighteen hundred and seventy, and on each first Monday of January thereafter, a board of directors, in the place of those whose terms will then expire, the election to be had at their office in the state of New Jersey, and in such manner as shall be directed by the by-laws of said corporation; the directors shall annually 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 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; at all meetings of the stockholders each stockholder shall be entitled to one vote on each

share of stock belonging to him, which vote may be given in person or by proxy, and stockholders not residing in the state shall be eligible to the office of director.

Failure to elect not to dissolve.

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

Quorum.

6. *And be it enacted*, That a majority of the directors of said company shall constitute a quorum for transacting business; the meetings of the stockholders and board of directors may be held as well out of as within this state, at such time and places as may be provided by the by-laws, from time to time; and the principal office and the books of the company be kept at such place within or without this state as the directors may from time to time select; *provided always*, that the said company shall always have and maintain in this state an office where process may be served on the said company.

Proviso.

Penalty for injury to works.

7. *And be it enacted*, That any person who shall unlawfully and intentionally injure, molest or destroy any of the lines, posts, conductors, buildings or other property, belonging to the said company, within this state, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisoned within the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Messages on public business to be sent without charge.

8. *And be it enacted*, That it shall be the duty of the said company, at all proper times, without charge, on the request of any public officer of the 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.

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

Approved March 9, 1869.

CHAPTER CXXI.

An Act to incorporate the Philadelphia and Camden Bridge Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Pollock, Morton McMichael, Thomas S. Speakman, Alexander G. Cattell, Presby B. O'Neil, William Moore, Edward Bettle, Henry L. Bonsall, George S. Woodhull, Simon Cameron, P. C. Brinck, James Page, Henry M. Phillips, John C. Tatum, Hector Orr, Charles Cox, William A. Newell, Thomas Shaw, William Nicholson, Reynell Coates, James H. Orne, Edwin H. Fitler, William H. Kern, Nathan Hillis, Robert E. Randel, Marmaduke B. Taylor, Sinnickson Chew, and all other persons who may hereafter be associated with them, in the manner hereafter provided, and their successors, shall be, and they are hereby constituted and declared to be a body politic and corporate by the name and style of "The Philadelphia and Camden Bridge Company," and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions whatever; have a common seal, and make, change or alter the same at pleasure; and hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts.

Name.

Commissioners to receive subscriptions

2. *And be it enacted*, That the above named persons, or a majority of them, or any five of them who may be appointed by a majority, shall be commissioners to receive subscriptions to said stock, at such times and places as they may select, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one newspaper in the cities of Camden and Philadelphia.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be two millions of dollars, with the privilege of increasing it to three millions of dollars; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property.

Payment of installments.

4. *And be it enacted*, That at the time of subscribing for

said stock, ten dollars shall be paid on each share to said commissioners, or a majority of them, or any five of them as shall be appointed by a majority of the commissioners, which money shall be paid over to the treasurer of the company when appointed; in every election and in all other cases in which stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof in person or by proxy.

Powers of corporation.

5. *And be it enacted*, That the said company when organized as aforesaid, shall have power at any time within six years from the passage of this act to build and own a bridge with diverging roadways and double draws over the Delaware river, between the city of Camden, in the state of New Jersey, and the city of Philadelphia, in the state of Pennsylvania, together with such real estate as may be required by the assent or approaches to the same in the state of New Jersey; said bridge to be at least thirty feet wide, and built in the most substantial manner, sufficiently high and of such form as to secure the passage up and down the stream, of all descriptions of vessels and craft which now navigate the Delaware river.

Rates of toll.

6. *And be it enacted*, That said bridge shall have for its main object the safe accommodation of every description of travel and transmission of freight, and that the toll charged for the same shall not exceed the present rates charged by the existing ferry companies between said cities on said river, for the like service.

Provision for making the bridge free.

7. *And be it enacted*, That not anything in this act shall prevent the cities of Philadelphia and Camden, or either of them, from purchasing said bridge from said company for the purpose of making the same a free bridge, at any time within twenty years from the date of the completion of said bridge, upon payment to the aforesaid company of a sum equal to the full cost of said bridge.

Baths may be established.

8. *And be it enacted*, That said company may (should its directors deem the same advisable) appropriate a sufficient portion of the said structure for the accommodation of baths, or other purposes, provided the same will not be an obstruction to travel, or to the navigation of the river.

Selection of site.

9. *And be it enacted*, That the commissioners who may be appointed shall have the right to select the site for the erection of the said bridge at any point they may deem best adapted for the location of the same.

Proceedings when company and owners of lands cannot agree.

10. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of said company, in the construction of said bridge, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land or materials; said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said bridge, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the

aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie. Proviso.

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

Approved March 9, 1869.

CHAPTER CXXII.

An Act to establish a fund in the town of Morristown for the relief of indigent and disabled firemen and their families.

Names of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard M. Stites, William Y. Sayre, Isaac G. Arnold, Luther M. Baird be and hereby are appointed trustees of the "Morristown Fire Department Charitable Fund," and that at their first meeting, which shall take place on the first Monday of April after the passage of this act, they shall appoint a president and treasurer, the latter of whom shall give a bond for the faithful performance of his duties.

Funds how appropriated.

2. *And be it enacted*, That the funds of the said "Morristown Fire Department Charitable Fund," which shall arise from fines belonging to the fire department under the ordinances that are or may hereafter be passed by the common council of the said town, and donations and such other moneys as may belong under the laws of the state to such fund, or may be paid into said fund, shall be appropriated to the relief of such indigent and disabled firemen or their families, as may in the opinion of the trustees be entitled to its benefits.

Terms of trustees to be appointed.

3. *And be it enacted*, That the mayor and common council of Morristown shall yearly and every year appoint one of the trustees of said fund, and that at the first meeting of the trustees named in the first section of this act, they shall draw by lot for their respective terms, one to serve for one year, one to serve for two years, one to serve for three years and one to serve for four years, and the first regular meeting of the trustees in each year shall be on the first Monday in April.

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

Approved March 9, 1869.

CHAPTER CXXIII.

An Act to incorporate a Hotel Company at Long Branch, Monmouth County, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That H. T. Helmbold, Simeon Leland, Samuel Laird, H. S. Little and F. F. Patterson, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Cosmopolitan Hotel Company," and by that name shall have power to lease, purchase and hold real estate at Long Branch, in the county of Monmouth, state of New Jersey, and to erect and maintain a hotel, and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public, and to mortgage said real estate, with the appurtenances, or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding or mortgaging of said premises, or otherwise controlling or disposing of the same.

Name.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise, by a subscription, a capital stock of five hundred thousand dollars, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given in person or by proxy.

Commissioners to open books of subscription.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place and time as a majority of them may [direct,] giving public notice thereof for at least two weeks; and as soon as one hundred thousand dollars of said capital stock is subscribed the commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, giving notice thereof in a newspaper of said county, as said commissioners, or a majority of them,

shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

Election of directors.

4. *And be it enacted*, That the directors shall be elected from the stockholders, and shall be five in number, who shall hold their offices until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors, by death, resignation, or otherwise, a majority of the remaining directors shall have power to fill such vacancy, and any election of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide.

Amount of debt that may be owed.

5. *And be it enacted*, That the whole amount of the debt which the said corporation shall at any one time owe, shall not exceed the amount of capital stock subscribed for and paid in.

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

Approved March 9, 1869.

CHAPTER CXXIV.

An Act to regulate Fishing in Cohansey Creek, in the county of Cumberland, and for other purposes.

Penalty for fishing with net during a certain time

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act that if any person or persons, whomsoever, shall cast, lay out or drift any shore seine, gill-net or other net, in Cohansey Creek, in the county of Cumberland, from sunset on Saturday until sunrise on Monday of each and every week, he or they so offending shall forfeit and pay the sum of twenty-five dollars to be recovered in an action of debt, with costs, before any justice of the peace in the county, by any person who shall sue for the same; and shall in addition to the penalty aforesaid forfeit the boats, seines and nets so made use of.

AND WHEREAS, it has been represented that the persons on board of steamboats navigating said creek are in the practice of throwing overboard into said creek coal ashes and cinders, thereby obstructing and filling up the bed of the creek and interfering with the nets used in fishing, by becoming entangled therein; for remedy whereof, Preamble.

2. *And be it enacted*, That such practice is hereby declared to be injurious and unlawful, and all and every person or persons who shall hereafter be guilty of throwing overboard into said creek any coal ashes, cinders, or other substance which may have a tendency to fill up the bed of said creek, and shall be convicted thereof, shall forfeit and pay for each and every offence the sum of fifty dollars, to be prosecuted for, recovered and applied as directed in the preceding section. Penalty for depositing ashes, &c.

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

Approved March 9, 1869.

CHAPTER CXXV.

A Supplement to the act entitled "A further supplement to an act entitled 'An Act to describe, apprehend and punish disorderly persons,' passed June tenth, seventeen hundred and ninety-nine," which further supplement was approved April seventeenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement be and the same are hereby extended to the county of Cumberland, and shall have the same force and effect in the county of Cumberland as in the county of Essex. Provisions of act extended.

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

Approved March 9, 1869.

CHAPTER CXXVI.

An Act to incorporate the Passaic Fire Association of the village of Passaic, in the county of Passaic and state of New Jersey.

Preamble. WHEREAS, a number of citizens of the village of Passaic, in the county of Passaic and state of New Jersey, have associated themselves together under the name of "The Passaic Fire Association," for the protection of the lives and property of their fellow citizens from destruction and loss by fire; and whereas, the said citizens believing they would be advantaged by having an enactment from the legislature of this state conferring the powers of a corporation upon them, respectfully ask that the same may be granted them; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abel Horton, Samuel B. Fritz, Andrew W. A. Hennion, Thomas B. Stewart, Washington Harris, William F. Childs, and all such other citizens of the village of Passaic, not exceeding five hundred in number, as now are or hereafter shall become associates of "The Passaic Fire Association," of the village of Passaic, and their successors, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Passaic Fire Association."

Powers of corporation. 2. *And be it enacted*, That the said corporation by such name shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever, and that they and their successors respectively, may have and use a common seal, and have power to make, change, and alter the same at their pleasure, and by their common seal may enter into and execute any contracts, agreements, conveyances, indentures or covenants, touching and concerning the objects of said corporation, and shall have full power and authority to acquire, purchase and hold real estate, suitable and convenient for the erection of an engine house or engine houses, not to exceed in value the sum of ten thou-

sand dollars, and to make and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state or of the United States as they shall think proper.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of fifty thousand dollars, which shall be solely and exclusively applied to the procuring, building, repairing and maintaining engines, hose, buckets, and other implements and machines, engine house or engine houses and the lands whereon the same shall or may be located or erected, and to such other incidental expenses as shall to the said company appear best calculated to secure the lives and property of the citizens of Passaic from injury or destruction by fire. Amount of capital stock.

4. *And be it enacted*, That the said company shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor. Election of president, &c.

5. *And be it enacted*, That it shall be lawful for the senate and general assembly of this state at any time hereafter to amend, modify or repeal this act as they shall think proper. Act may be altered or amended.

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

Approved March 9, 1869.

CHAPTER CXXVII.

An Act to incorporate the Home Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Fish, George S. Green, Samuel S. Stryker, William G. Cook, and Edward T. Green, and such other persons as may hereafter be associated with them, shall be and are hereby created a body Corporators.

politic and corporate, in fact and in law, by the style and
Name. title of "The Home Manufacturing Company," for the purpose of manufacturing, selling, and dealing in all kinds of timber, lumber, building materials, crockery, earthenware, and paper, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock
Amount of capital stock. of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purposes of their said business.

May purchase and hold real estate. 2. *And be it enacted*, That the said corporation may purchase, use, possess, hold and enjoy such real estate as may be necessary or expedient, for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, not to exceed at any time one-half of their paid up capital, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure; and may make such by-laws for their regulation and government as they
Proviso. may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Election of directors. 3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and that
First directors and their duties. until such election shall take place, Benjamin Fish, George S. Green, Samuel S. Stryker, William G. Cook and Edward T. Green, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business;

and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Failure to elect not to work a forfeiture.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement required

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

When corporation may commence business.

6. *And be it enacted*, That the said corporation may organize and commence the transaction of businesss under this act, whenever twenty-five thousand dollars of capital shall have been actually subscribed and paid in.

Place of business, &c.

7. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access, at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

Corporation may be dissolved.

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and

Proviso.

dividing its surplus among the stockholders in proportion to their respective interests in the stock.

General powers.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 9, 1869.

CHAPTER CXXVIII.

An Act to facilitate judicial proceedings in the county of Mercer.

Additional judge of common pleas created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace in and for the county of Mercer shall hereafter consist of four judges, in addition to the justice of the supreme court holding the circuit in said county, one of which judges shall be a counsellor-at-law.

Presiding judge.

2. *And be it enacted*, That whenever the justice of the supreme court holding said circuit shall be absent, such additional judge shall be president of the court of common pleas, quarter sessions and orphans' court.

Common pleas and quarter sessions may hold special terms.

3. *And be it enacted*, That the said courts may hold adjourned and special terms of said courts, or either of them, under the same regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.

Indictments and crimes tried there when deemed necessary.

4. *And be it enacted*, That whenever any person or persons shall be charged upon oath before any justice of the peace, or police, or police justice, in the county of Mercer with any offence now triable at law before the quarter sessions of the peace, and such person shall in writing signed by him or her, addressed to the prosecutor of the pleas of said county, waive

an indictment and trial by jury and request to be tried immediately, it shall be the duty of said prosecutor, unless the presiding judge of said court constituted by this act shall think the public interest will be benefited by denying said request, to apply to the said presiding judge of the court of common pleas of said county for the immediate trial of said persons, and said presiding judge shall call a court of special quarter sessions, to be composed of himself and at least two other judges of said court, to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to all the circumstances of the case, the public benefit and the possibility of obtaining necessary witnesses, and to determine the guilt or innocence of the person charged; and if such person be acquitted by said court he shall forthwith be discharged; if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law, in case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor to attend on such trial in person or by deputy, prefer to said court an allegation in writing alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead, and the proceedings for bringing such person to trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses, and the costs of such proceedings shall be in conformity with law and practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county now taxed and paid, except as herein otherwise provided; *provided*, that no one charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law. Proviso.

5. *And be it enacted*, That ten dollars shall be taxed for said prosecutor in each case disposed of under this act, as part of the costs aforesaid, where a conviction of any person accused shall be had by a plea or otherwise. Fees of prosecutor.

6. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all process whether of capias, subpœna or execution, which Duties of the clerk.

shall be required in carrying out this act, which process shall be delivered to the sheriff of said county and shall be by him served and returned under the same regulations and with the same compensation as heretofore; and the said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore.

Compensation of additional judge.

7. *And be it enacted*, That the additional judge mentioned in this act shall receive a salary of eighteen hundred dollars per annum, payable by the board of chosen freeholders of said county in quarterly payments, but shall receive no share of the fees or compensation now divisible among the judges of any of the said courts; *provided nevertheless*, that he shall be at liberty to practice in all the courts other than the aforesaid courts of said county.

Proviso.

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

Approved March 9, 1869.

CHAPTER CXXIX.

An Act to incorporate the Caldwell Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Provost, Lewis C. Grover, Zenas C. Crane, Caleb G. Crane and Stephen Personett, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Caldwell Railroad Company," and they and their successors, by the same name, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this act.

Name.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with

liberty to said company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of said company, at such time or times, and place or places, as they or a majority of them may think proper; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to said corporators; that whenever there shall be two hundred shares of said stock subscribed, said corporators may give notice for a meeting of the stockholders, to choose nine directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock to entitle the holder thereof to one vote; and the above named corporators, or a majority of them, shall be inspectors of such election, and shall certify, under their hands, the names of those persons duly elected as directors, and deliver over the subscription books to said directors at the first meeting of the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said corporators, or a majority of them; and the directors chosen at such meeting, or at the annual election of said company, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president, or of any director, such vacancy may be filled for the remainder of the year wherein the same may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said company shall provide.

Directors, how elected.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, said company 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.

Payment of installments.

5. *And be it enacted*, That five directors of said company

shall be competent to transact all business of the company, and shall have power to call in the capital stock of said company, by such installments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; Proviso. *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares on which such default shall arise, and to make and prescribe such by-laws, rules and regulation as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said company; and also shall have power to appoint a treasurer and a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and also to the president, as to the said board shall appear proper.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from one or more suitable place or places in the township of Caldwell, in the county of Essex, to intersect some point in the railroad of the Newark and Bloomfield Railroad Company at Montclair, in said county, or to intersect some point in the railroad of the Morris and Essex Railroad Company, at or near Orange, in said county, which railroad hereby authorized shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, in which case it is not to exceed two hundred feet in width, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the route or routes of such railroad, and of locating the same, and to locate and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of route or routes deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take pos-

session of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion, management or repair of said railroad, subject to such compensation as is hereinafter provided, with full power to connect and contract with any other railroad corporation; *provided, always*, that the payment or tender of payment of all damages for the occupancy of lands through which such railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

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

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

Parties aggrieved may appeal.

8. *And be it enacted*, That in case said company or owner or owners of the said lands or materials shall be dissatisfied with the report made by said commissioners, the party so dissatisfied or aggrieved may appeal to the circuit court of the county in which the lands and materials in question lie, by petition to said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners as aforesaid; and notice in writing of such appeal shall be given to the opposite party personally, or by leaving the same at his dwelling house, or last place of abode, if in this state, within ten days after the filing of said petition; or if such opposite party shall reside out of this state, then in such

manner as said circuit court, or any judge thereof, shall prescribe; which proceeding shall vest in the said circuit court, or any judge thereof, full right and power to direct a proper issue for the trial of the said controversy between the said parties, and to order a jury to be empannelled and sworn, as in other cases, and a view of the said lands and materials to be had, if desired by either party; and such issue shall be tried at the next term of the said circuit court to be held in said county, upon like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of such jury to assess the value of said lands and materials and damages sustained; and if they shall find a greater sum than was awarded by the commissioners or was offered by said company to said owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded thereon; and if the said appeal shall be made or taken by the owner or owners, and the jury shall find no greater sum than was awarded by the commissioners or was offered by the company, then the said costs shall be paid by the said appellant or appellants, and either deducted out of the sum found by the said jury or execution awarded therefor as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from their award, then the sum assessed and found by the jury, and such costs, if any, as the court shall direct, shall be paid by the company, to the owner or owners of the lands in controversy, or into the court of common pleas, to the clerk thereof, in the county where the said lands and materials are situate; and from the owner or owners of lands not in controversy they shall obtain consent in writing before they enter upon or break ground in the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal herein provided for; *and provided further*, that in case of such appeal it shall be lawful for said company to enter upon and take possession of the lands in controversy, and to proceed in the construction of their railroad upon tendering the amount awarded by the commissioners to the party entitled to receive the same, or upon depositing the same with the clerk of the court of common pleas of the county in which said lands are situate, without waiting for the determination of said appeal.

Proceedings thereon.

Proviso.

Proviso.

Bridges to be built.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be prevented thereby; and when the railroad shall intersect any farm or lands, they shall provide and keep in repair wagon-ways over or under said railroad, so that persons may conveniently pass the same.

Rates of fare, &c.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient and right; *provided*, that they shall not charge more than at the rate of ten cents per mile per ton for the transportation of any property on the said road, or five cents per mile for carrying each passenger on said railway in the carriages of the company, or ten cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railway in the carriages of others, or ten cents per mile for each empty carriage; and that the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors of said company shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the net proceeds thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

May hold real and personal estate.

12. *And be it enacted*, That the said company may have and hold real estate at or near the termination and commencement of the said road, and at each of its depots and stations, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings

and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring road or works

13. *And be it enacted*, That if any person or persons shall willfully and maliciously injure the said road, or any building, works or machinery of the said corporation, such person or persons shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; *and further*, shall be liable for all damages.

Road to be public highway.

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

Proviso.

President must file statement of cost of railroad.

15. *And be it enacted*, That as soon as the said railroad or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road, and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same

purposes, and by the same person or persons as the other taxes assessed in said city or cities, township or townships; Proviso. *provided*, that no other tax or imposts shall be levied or assessed upon said company.

Limitation. 16. *And be it enacted*, That if the said railroad shall not be commenced in three years from the passage of this act, and completed and in use at the expiration of eight years from the fourth day of July next ensuing, then and in that case this act shall be void.

Road may be extended to Boonton. 17. *And be it enacted*, That the railroad authorized by this act may be extended from any point of the same to Boonton, in the county of Morris, and for the purpose of carrying into effect the objects and purposes of this section, and the complete execution of the same, the said company shall be and they are hereby invested with all the authorities, powers and privileges herein granted, and subject to all the duties, responsibilities and restrictions herein contained, in relation to the road hereinbefore authorized; and all the provisions of this act shall be applicable, so far as may be, to such extension.

May enter into contracts with other companies. 18. *And be it enacted*, That it shall be lawful for said company to consolidate their said road and stock with that of any other railroad company of this state that may meet or be connected with the same, or to make a contract of lease with any such railroad company by which the property and franchise may be leased to said company or by which the said company may take and hold the road, property and franchise of such other company.

May borrow money and secure the same by mortgage. 19. *And be it enacted*, That it shall be lawful for said company to borrow money, not exceeding in all, one-half of the capital stock of said company hereby authorized, and for that purpose to issue the bonds of said company secured by a mortgage on its road, property and franchise; and that said company may make sale of said bonds for the highest price the same will bring, and make the same payable at such times as they may deem best.

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

Free passes. 21. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their

terms of office, shall pass and repass on the railroad of said company in their cars free of charge.

Approved March 10, 1869.

CHAPTER CXXX.

An Act to incorporate the Village of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Acquackanonk, in the county of Passaic, in the state of New Jersey, situate, lying and being within the following described boundaries, to wit: Beginning at low water mark on the westerly side of the Passaic river, at the point where the northerly line of the old farm late of Halmagh Sip, deceased, extended on the same course easterly, will intersect the said river; thence running north, forty-nine degrees and thirty minutes west, along the northerly line of the said old farm, to the line known as the "Duas line;" thence along the said "Duas line," north forty-four degrees and forty-one minutes east, five chains and eighty links, to a corner in the northerly line of lands late of Halmagh Sip, deceased; thence along the last mentioned northerly line, north forty degrees and forty-one minutes west, to the northwesterly side of the Bloomfield or mineral spring road; thence north twenty degrees and forty-one minutes east, one hundred and sixteen chains and six links, to the northwesterly corner of Henry V. Butler's farm; thence north seventy-seven degrees and forty-five minutes east, to the westerly side of the Passaic river at low water mark; thence southerly and westerly along said low water mark of the Passaic river, the several courses thereof, to the place of beginning; be and the same is hereby formed into a town corporate, to be designated and known in law as, and by the name of "The Village of Passaic;" and all citizens of this state who now are, or hereafter may be inhabitants within said limits, shall

Boundaries.

Corporate name.

be, and they are hereby constituted a body politic and corporate in law, by the said name of "The Village of Passaic."

2. *And be it enacted*, That the said village of Passaic shall be divided into three districts, as follows:

Boundaries of first district. I. All that part thereof lying easterly and northeasterly of the centre line of the road known as the Paterson and New York Plank road shall constitute the "First District" of said village;

Second district. II. All that part thereof lying notherly of the centre line of Paulison avenue, continued on the same course to the easterly and westerly limits of said village, and westerly or southwesterly of the centre line of the Paterson and New York Plank road, shall constitute the "Second District" of said village;

Third district. III. All that part thereof lying southerly of the centre line of Paulison avenue, continued as above, shall constitute the "Third District" of said village.

Officers and their election. 3. *And be it enacted*, That the officers of the said village shall consist of a president, six councilmen, three judges of election, three commissioners of assessments, one clerk, who shall also be clerk of elections, one treasurer, one superintendent of streets, one surveyor, and one collector of assessments, who shall be elected or appointed as hereinafter specified, and all of whom shall be legal voters; the said president shall be a freeholder and resident in the said village, the said councilmen and commissioners of assessments shall be freeholders and residents in the districts respectively from which they are elected or appointed, the said judges of election shall be residents of the districts respectively from which they are elected, and the said clerk, treasurer and superintendent of streets shall be residents of said village; all of which officers, except the president and councilmen, shall hold their respective offices for one year and until their successors are elected or appointed and duly qualified, and the said president and councilmen shall hold their offices for two years and until their successors are elected and duly qualified;

Proviso. *provided*, that at the first election to be held under this act, one councilman from each district shall be elected to serve for one year, and one councilman for two years, who shall be designated upon the ballots accordingly, and at every subsequent election one councilman shall be elected from each district for the full term of two years.

4. *And be it enacted*, That an election shall be held on the

third Tuesday of April next, at the hotel now kept by John Beard, junior, in said village, and on the third Tuesday of April in every year thereafter, at such place in the said village as the board of council of said village shall appoint, between the hours of twelve o'clock, noon, and seven o'clock in the afternoon, of which elections, after the said first election, the board of council shall cause public notice to be given by the village clerk, by written or printed notices put up in at least two public or conspicuous places in each of said districts, at least one week before the day of election; and at said elections there shall be voted for and chosen, by a plurality of votes and by the legal voters of the village, one president, and by the legal voters of the districts respectively two councilmen from each district, and one judge of election from each district, having the qualifications mentioned in section three of this act; said elections shall be by ballot, and each ballot shall specify the number of the district from which said councilmen and judge of election are voted for; and if either of said councilmen is to be elected to fill a vacancy, the ballot shall specify which of them is voted for to fill the vacancy, and which of them for the full term; and in case any ballot shall fail to designate the number of the district for judge of election, or for such councilmen, or which of the councilmen is voted for to fill the vacancy, the names, in relation to which such omissions occur, shall not be considered by the judges of election in determining the result; the judges of said elections shall be provided with three ballot boxes, one for each district, in which they shall deposit the ballots of the voters from the corresponding districts; and said elections shall be held and conducted in the same manner and under the same regulations as to qualifications of voters and otherwise as prescribed by law for the election of members of the legislature, if held on that day, except as to the day of election and the time of opening and closing the polls; and as soon as the polls shall be closed, the said judges and clerk shall proceed to examine and count the said ballots and ascertain the result of said election, and the return thereof shall be made and signed by the judges and be attested by the clerk, and within two days thereafter be deposited with the village clerk, to remain on file in his office, and the said clerk shall, within five days thereafter, deposit a certified copy thereof with the clerk of the township of Acquackanonk, to remain on file in his office; and the said first election to be

Time and place of holding first election.

Election of councilmen.

held on the third Tuesday of April next, shall be held by John C. Marsellus, of the first district, Abel Horton, of the second district, and Benjamin B. Aycrigg, of the third district, who shall act as judges of said election, and by Andrew W. A. Hennion as clerk thereof, and who shall, at the opening of the polls, respectively take the oath or affirmation before a justice of the peace of the county, which is prescribed for like officers in this act; and all subsequent elections shall be held by the judges of election who shall have been elected at the last previous election, and by the clerk appointed by the board of council, and the said judges and clerk may hold any such election, notwithstanding they or either of them may be candidates for re-election; and if any of said judges or such clerk shall be absent at the opening of the polls, or refuse to serve, other persons duly qualified may be elected to serve in their places to hold the election, in the same way as may be provided by law in like cases at township elections; and the officers elected and appointed under this act shall, within one week after their election or appointment, and before entering upon the duties of their office, take and subscribe an oath or affirmation for the faithful discharge of the duties of their respective offices, and in default thereof the board of council may deem such office vacant, and every such oath or affirmation shall be filed with the village clerk.

First election officers.

Duties of the council.

5. *And be it enacted*, That at the first meeting of the board of council had next after their election, there shall be appointed, upon the nomination of the president, and by the approval and confirmation of the board of council, the said village clerk, the superintendent of streets, the three commissioners of assessment, one from each district, the surveyor and collector hereinbefore provided for, who shall serve for one year, unless sooner removed by the said board; and the said board of council shall have power to remove any of said appointed officers and upon nomination by the president to appoint a successor to serve for the balance of the term; *provided*, that if any of said officers should not be appointed at such first meeting of the board, for any cause, they may be appointed at any future meeting of said board, in the manner above specified; and if any vacancy should occur either in the elective or appointed officers, the board of council may upon nomination by the president fill such vacancy until the end of the official year in which the vacancy shall

Proviso.

occur; and the said board shall hold their first meeting on the first Tuesday next after the election.

Corporate seal.

6. *And be it enacted*, That the corporation hereby created may, by the name and title of "The Village of Passaic," sue and be sued, answer and defend, implead and be impleaded unto, in any of the courts of this state, and may have and use a common seal, alterable at the pleasure of the board of council.

Board of council.

7. *And be it enacted*, That the president and six councilmen to be elected as aforesaid, shall constitute a board of council; the legislative powers of said corporation shall be vested in the said board, and a majority of the councilmen shall be necessary to form a quorum for the transaction of business; the president shall preside at all meetings of the board, and in his absence a president pro tempore may be appointed, but he shall not be entitled to a vote in the proceedings of the board except in case of a tie vote of the councilmen, when he may give the casting vote; the board shall appoint their times and place of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, cause a journal of their proceedings to be kept; and the said board of council shall have power and authority to pass and ordain, adopt and enforce ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying into effect the provisions of this act.

Council may require bonds.

8. *And be it enacted*, That the said board of council, may in addition to the official bonds now required of like officers elected at township meetings, require from any of the officers appointed by virtue of this act, such other bonds for the faithful performance of their trusts and duties, as the said board shall deem expedient; and no officer elected or appointed under this act shall enter upon the discharge of his duties, unless within one week after his election or appointment he shall take and subscribe before a justice of the peace of said county an oath or affirmation, faithfully and impartially to execute the trust imposed on him as such officer, and the said clerk shall keep all such oaths and affirmations on file in his office,

Duties of the treasurer.

9. *And be it enacted*, That the treasurer shall receive all moneys collected by or for the said corporation from the persons who shall collect the same, and shall pay out the same only upon warrants approved and ordered by the board,

which approval shall be endorsed upon the warrants and signed by the president and countersigned by the clerk, except for the payment of bonds or notes of the village when due, and certificates of indebtedness for improvements given by the said corporatien and interest on the same, and no warrants upon the treasurer shall be so ordered except at a stated meeting of the board and entered on their minutes; all such warrants shall be regularly numbered, and be made payable to the order of the person entitled to receive the same, and shall specify the purpose for which the amount therein mentioned is directed to be paid.

Duties of the clerk.

10. *And be it enacted*, That the village clerk shall, in addition to the duties required of him by this act, or any other act of this state, have charge of all the records, books, and documents of the village, except when the board of council shall otherwise direct by ordinance or resolution; he shall keep a record of the proceedings of the board; he shall engross all the ordinances of the board in a book to be provided for that purpose, with proper indices, for which service he shall be entitled to receive, in addition to his salary, the sum of ten cents per folio, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president or acting president of the board and said clerk; copies of all papers duly filed in the office of said clerk, and transcripts of the records, proceedings, laws, or ordinances of the said board, certified by him under the corporate seal of the village, shall be evidence in all courts and places.

Police powers.

11. *And be it enacted*, That the said president and every councilman, shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of this state, or any ordinance of the board of council for the preservation of the peace, or of good order or morality, and to bring or cause such persons to be brought before a justice of the peace of the county, to be dealt with according to law.

Official year, when to commence.

12. *And be it enacted*, That the official term of the persons who shall be elected in pursuance of this act, shall commence on the Tuesday next succeeding their election; and the official year of the several officers appointed in pursuance of this act, shall commence on the second Tuesday next after the said election.

13. *And be it enacted*, That the salary of the clerk of the village shall be the sum of seventy-five dollars per year; and the board of council shall have power to fix the salary, pay or compensation of all other officers appointed by the board, by general ordinance, and the salary or compensation of any officer which has been once fixed, shall not be increased or diminished during his term of office; and if no salary be fixed by such ordinance, the said board may, from time to time, allow and pay such compensation for the services of such officers as they shall deem proper and as shall be reasonable; the president and councilmen shall not receive any pay or compensation for their services, and the judges of election shall receive the same compensation for holding the elections as judges of election in the township are entitled to for like services. Compensation of clerk, &c.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation the village of Passaic is a party, or in which it is interested, no person shall be deemed an incompetent judge, juror or witness by reason of his or her being an inhabitant or freeholder of the village. Inhabitants may be witnesses.

15. *And be it enacted*, That the board of council shall, at least once a year, and not more than twenty days nor less then fifteen days before the annual village election, publish, by setting up the same in at least five conspicuous places in said village, a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have been received and paid out by the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the village. Annual statement of receipts and expenditures to be made.

16. *And be it enacted*, That all taxes to be assessed upon and collected from persons and property within the corporate limits of the village of Passaic, shall be levied and collected by the proper officers of the township of Acquackanonk, in the same manner as if this act had not been passed; *provided*, that the road taxes to be assessed within said corporate limits shall be assessed at such rate of per centage upon all property therein taxable for road purposes as shall be fixed by the board of council by resolution, not exceeding one quarter of one per centum of the fair and full value of such property; Collection of taxes. Proviso.

but such rate of per centage may be increased for any one year by a two-thirds vote of the voters of the village at any annual election; and the said board shall cause a notice of the rate of such per centage, as fixed, to be served upon the assessor of said township before making his assessments in said village; and the said road taxes, when collected by the collector of said township, shall be kept by him separate and distinct from other taxes, and be paid by him to the treasurer of said village, and no part of said road tax shall be used or applied to roads out of said village, nor shall the village property be assessed for road tax to be applied to roads outside of said village; *provided also*, that no taxes for any purpose shall be levied or assessed upon any property within said village, which shall be held or owned by the said village in its corporate capacity, or which shall belong to any fire department of said village, nor upon church or public school-house property which shall be held and used exclusively for church or school purposes; but this proviso shall not exempt any such property from liability for street assessments under this act.

Proviso.

Proceedings under assessments for liens, &c.

17. *And be it enacted*, That all assessments which shall be laid, assessed or made by the board of council of the said village or by their authority, upon any lands, tenements or real estate within the said village, with the lawful interest thereon accruing, and all costs and fees in relation to said assessment and collection thereof, shall be and remain a lien thereon for the space of five years from the completion of any such assessment, notwithstanding any devise, descent, alienation, mortgage, lien or other encumbrance thereof; and that if the full amount of any such assessment shall not be paid and satisfied within the time limited by the said board for the payment thereof, it shall and may be lawful for said board to cause such lands to be sold at public auction for the shortest term for which any person will agree to take the same, and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, fees and expenses, and upon payment of the same by the purchaser, to execute, under the common seal of said village, a declaration of such sale to be signed by the president and attested by the clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the land, tenements or real estate, for his and their own proper

use, against the owner or owners thereof, and all persons claiming under him or them, until such term shall be completed and ended, and be at liberty to remove at or before the expiration of such term, all buildings and materials which he or they shall erect or place thereon; *provided*, the said board of council shall first have caused said sale to be advertised for at least sixty days, by advertisement put up in at least five public or conspicuous places in said village, one whereof shall be put upon the lands so advertised, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment, and be signed by the clerk, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *provided also*, that the lands, tenements or real estate so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person in behalf of such owner, mortgagee, occupant or person so interested in said lands, tenements or real estate, at any time within five years after the sale for such assessments, by paying the purchase money to the treasurer of the village to and for the use of said purchaser, together with any other sum paid for assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of ten per centum per annum, in addition thereto; and the certificate of the treasurer of the village, stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any assessment, shall be affected by such sale, unless six months' notice thereof in writing shall have been given to him by the purchaser, or by those claiming under him, either personally, or by being left at his usual place of abode, or if not residing or to be found in the said village of Passaic, then such notice shall be deposited in the post office of said village directed to him at his last known place of residence, or at the post office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such assessment or sale; *provided also*, that the term of time for which any lands, tenements or real estate shall be sold as aforesaid, shall commence at the expiration of five years after such sale, and

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the purchaser thereof, or those claiming under him, shall not have the right of possession to said lands, tenements or real estate until the expiration of said five years; and the said purchaser, or those claiming under him, shall at the expiration of the term limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered into possession thereof, natural wear and accidents excepted, but he shall have the right to remove therefrom, at or before the expiration of his term, any buildings and materials erected or placed thereon by him; *provided also*, that if at any such sale of lands tenements or real estate for assessments, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful to adjourn the said sale for not less than thirty days, nor more than sixty days, and twenty days' notice shall be given as aforesaid, of such adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of said village to purchase such lands, tenements or real estate in the name of and for the benefit of the said village, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by any mortgage or judgment creditor, shall be a lien upon said lands, tenements and real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage thereon by such mortgagee redeeming, or to which he shall be a party, shall be directed to be made out of said lands, and on sale of said lands under any judgment, shall be paid out of the proceeds of the sale; and a complete record of all assessments shall be kept in the village clerk's office, which record shall contain the time when such assessments were laid, the time when they were paid (and if the property had been sold therefor), the time of said sale, and to whom sold, and for what consideration; and if redeemed, when, and by whom; it shall also be the duty of the village clerk to record in a book to be called "Record of Sales," all declarations of sale, and to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were

Proviso.

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given shall be redeemed, on certificate of the village treasurer of such redemption, and to file such certificate in the said clerk's office, for which services, the party for whom they are performed, shall pay to said clerk the same fees as are allowed by law to the clerk of the county of Passaic, for the performance of similar services; and it shall be the duty of the village treasurer to make out two certificates for all property so redeemed, one for the person redeeming, and one to file in the said village clerk's office.

Corporate powers.

18. *And be it enacted*, That the said board of council of the corporation hereby created, shall have power to make, pass, enforce, alter and repeal ordinances, or by-laws, to take effect within said village of Passaic, for the following purposes, to wit: to manage, regulate and control the finances and property of the village; to ascertain and establish the boundaries of all streets, roads, lanes, and avenues in said village, and to prevent and remove all encroachments, obstructions and nuisances in and upon any street, road, lane, avenue, lot enclosure or place in said village, and in every other respect to secure to the public and adjoining owners, the safe and convenient use of the streets, roads, lanes and avenues, for the purposes for which they are or may be laid out or dedicated; to prevent and prohibit all quadrupeds from running at large in said village; to make and adopt an assessment map, whereby to lay down and describe lands assessed or to be assessed for improvements; to prevent immoderate driving in the streets, and driving over and upon the sidewalks; to prevent and quell riots, routs, disturbances or disorderly assemblages in any street, house or place in said village; to restrain and prevent all acts tending to disturb public schools or places of public worship, or to annoy and disturb persons passing to or from such places; to prevent and suppress gaming houses, disorderly houses and houses of ill fame, and to prohibit gaming; to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; to preserve public peace and good order; to license, regulate and prohibit hawkers and pedlars, upon such terms and under such regulations as the board of council shall by ordinance impose, and no other license for such purposes within said village, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlars; to prohibit, restrain, license and regulate all menageries or col-

lections of wild beasts, and exhibitions of any interludes, farces, theatrical exhibitions, circuses, plays, games, tricks, jugglery, sleight of hand, feats of uncommon dexterity, and other public performances or exhibitions for money; to authorize the destruction of dogs running at large; to prescribe the duties and compensation of all officers not defined by this act or the statutes of this state; and to prescribe a penalty or penalties for the violation of any or either of such ordinances, either by imprisonment in the common jail of the county not exceeding ten days, or by fine not exceeding fifty dollars, to be sued for and recovered, with costs, in an action of debt, and in the name of "The village of Passaic," for the use of said village, before any justice of the peace of said county, in which action it shall be lawful to declare generally in debt for the penalty and to give the special matter in evidence, and if judgement in such case shall be given against the defendant, and the same remain unpaid for five days, the said justice shall issue execution for the same, under his hand and seal, against the body of the defendant and directed to any constable of the county, who shall execute the same in the manner and under the same liabilities as prescribed in case of like executions issued by a justice of the peace under the "Act constituting courts for the trial of small causes;" *provided*, that no ordinance or by-law shall be enacted or passed by the said board of council, unless the same shall have been introduced at a previous stated meeting, and be agreed to by a majority of the whole number of councilmen upon the passage thereof, and no ordinance or by-law shall be enacted or passed interfering with the mill sites, water power or canal banks of "The Dundee Manufacturing Company" without the consent of said company.

Proviso.

Streets and crosswalks to be altered and repaired.

19. *And be it enacted*, That it shall be lawful for the board of council, by ordinance, to lay out, open, widen, alter, grade, pave, macadamize, gravel, curb and gutter any street, road or avenue, or any part thereof, within said village; to lay side and cross-walks thereon, and build and open sewers, drains and receiving basins in and upon any street, road or avenue in said village, or any part thereof, on the application in writing to the said board of council, by any owner or owners of lands over or opposite which such improvements are proposed to pass; *provided*, the applicant or applicants shall first deposit with the said board so much money as the board shall deem sufficient to defray all necessary expenses preliminary

Proviso.

to a decision of the board to execute such improvement; and if no remonstrance be filed as hereinafter provided, and the board shall decide to execute the improvement, the whole amount so deposited shall thereupon be refunded to the persons depositing the same; but if a remonstrance be filed as hereinafter provided, and the board shall decide not to execute such improvement, then the board, after deducting from the amount so deposited all such necessary preliminary expenses, shall refund the balance thereof to the persons so depositing the same; and all such applications shall be advertised by the board, by printed notices set up in five or more public or conspicuous places in said village, and as near as practicable to the line of the proposed improvements, for ten days at least before the same shall be adopted and the ordinances passed to carry out the same; in and by which ordinances or ordinance, if passed, three discreet, impartial and disinterested persons, freeholders and residents in said village, shall be appointed commissioners, who shall first be duly sworn or affirmed to examine the whole matter impartially, and to the best of their judgment, skill and ability, and who shall cause a survey and map to be made of said proposed improvement, distinguishing each lot or parcel by numbers on said map; and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated cost upon the lands fronting on said improvements in proportion to the benefit to be received by each lot or parcel thereof, and report the names of the owners of the several lots or parcels as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of the village within thirty days after their appointment; and the said clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, by printed notices, set up in five or more public or conspicuous places in said village, and as near as practicable to the line of the proposed improvements; and unless within thirty days after the filing of such report the owners of two-thirds in value of the lands proposed to be assessed for such improvements (such value to be ascertained and fixed in proportion to the assessments reported by the commissioners) shall file with the clerk of the village a remonstrance, signed by them or their agent lawfully authorized, the said board of council shall proceed to execute such improvement; but if such re-

monstrance shall be filed as aforesaid, the said board shall proceed no further in such improvement under that application; and after deducting all costs and expenses of such proceedings up to the time of filing such remonstrance, the balance of the deposit money shall be returned to said applicant or applicants, as hereinbefore provided; *provided*, that the board of council shall not alter, widen or change the course of any street, road, avenue or lane that shall have been laid out and a map thereof filed in the clerk's office of the county of Passaic, at or before the time of the approval of this act, unless with the consent in writing of the owner or owners of the lands through or over which such street, road, avenue or lane shall pass; *provided also*, that the legally established grade of any street, road, avenue or lane shall not be changed by said board without the consent in writing of two-thirds in value of the owners of the land on the line of such street, road, avenue or lane, or on the part thereof proposed to be changed; and in case the board of council shall change the grade of any such street, road, avenue or lane, any person feeling aggrieved thereby may apply to said board for compensation for the damages thereby sustained, and the board shall have power to award such damages; *provided also*, that in all cases in which the board shall decide and ordain to execute any improvement of the sidewalks, or of guttering or curbing along any of said streets, roads, avenues or lanes as herein provided, it shall be lawful for the owners of any lands along such street, road, avenue or lane to make such improvement at his own expense, under the supervision of the superintendent of streets, in accordance with the directions of the board of council, and within such time as the board shall appoint, in which case no assessment for such improvement shall be made upon such lands; and all improvements of streets, sidewalks, and work upon the same hereby authorized, shall be done under the supervision of the superintendent of streets, and as required by the board of council.

Proviso.

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Proviso.

Costs and expenses, how ascertained.

20. *And be it enacted*, That all expenses and costs of proceedings for improvements, in laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and paving streets, roads, avenues and lanes, and repairing the same, for flagging or planking said walks, and for repairing, filling and refilling sidewalks, and for repairing and re-

laying the flagging or planking in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building open drains and sewers, when the same shall be completed, shall be assessed by the three said commissioners upon the lands, and be paid by the owners of the lands and real estate fronting upon the improvement so made, in proportion to the benefit received by said lands and real estate, as estimated by the said commissioners, except the main sewers and main open drains, which shall be assessed upon the whole village of Passaic; and the said commissioners shall determine and report in writing to the board of council, what proportion of such costs and expenses shall be assessed to and upon each separate lot or parcel of land, and shall accompany such report with a map containing each lot so assessed, with the number thereof, and the name of the owner or owners of the same, as far as practicable, which report and map shall be filed in the office of the clerk of said village, whereupon the said clerk shall cause a printed notice of the filing of said report to be set up in five public or conspicuous places in said village, as near as practicable to the line of said improvement, and that the board of council will meet at a time and place to be specified in such notices, not less than twenty days from the time of setting up said notices, to consider such assessments, and to receive and consider all objections thereto which may be presented in writing, at which time and place the said board shall meet for the purposes aforesaid; and if the said board shall confirm said assessment, it shall constitute a lien upon the property assessed for the amount of such assessments respectively, and shall be collected under and by virtue of an ordinance or ordinances made by said board of council for that purpose, and if the persons so assessed shall, upon written notice of the confirmation of the assessment, and the passage of the ordinance to collect the same, to be served within ten days thereafter upon said persons, if they reside in said village, either personally or by leaving the same at their usual place of abode, neglect to pay to the village treasurer the amount of their respective assessments within sixty days from the passage of said ordinance, the said board of council may enforce the lien so created, in the manner prescribed in the seventeenth section of this act; and whenever within said village, any assessment on any lot or parcel of land shall remain unpaid for sixty days after the confirmation thereof by the board of council, it shall

be lawful for said board to charge, receive and collect, in addition to the amount of said assessment, interest thereon to be computed at the rate of ten per centum per annum from the time of the confirmation of said assessment until the same be paid, and to enforce the payment thereof in the sale for such assessment.

Contracts.

21. *And be it enacted*, That all repairs in the carriage way or crosswalks of any street, road, avenue or lane in said village, and not applied for as hereinbefore provided, shall be made by contract or otherwise, as directed by the board, and under the charge and supervision of the superintendent of streets, and the costs and expenses of such repairs, being certified by the superintendent, shall be paid by the board upon their approval out of the road tax annually collected and paid to the treasurer of said board; that all repairs to sidewalks, and curb, and gutter, shall be made by the owners of the lands in front of which said repairs are necessary, upon written notice by the superintendent of streets, and if the said owner or owners shall be non-residents, it shall be sufficient if such notice be posted upon or near the lot or lots in front of which the sidewalks, curb or gutter may require to be repaired or relaid; and if the same shall not be repaired or relaid within fifteen days from the service or posting of said notice, then it shall be lawful for said superintendent, and he is hereby authorized and empowered, to cause the same to be made, and the cost and expenses thereof shall be assessed by said board upon the lands in front of which said repairs shall be made, and shall remain a lien thereon and be collected as prescribed by this act for the collection of assessments for improvements.

Grades to be established.

22. *And be it enacted*, That the said board of council is hereby authorized and empowered, by ordinance passed for the purpose, to prescribe the mode of establishing the grade of any street, road, avenue or lane in said village, and to establish the grade thereof, and to authenticate the same by maps or otherwise, and to mark said grade by permanent grade monuments; and the grade of any street, road, avenue or lane when established in accordance with said ordinance, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon an application to said board by the owners of at least three fourths of the land fronting thereon, reckoning the same by lineal feet, nor without paying to the owners of any buildings damaged by

the alteration of said grade, who have not joined in such application, the amount of damages sustained, which shall be ascertained and estimated by the commissioners of assessment; and that the costs and expenses of establishing, authenticating and making such grade shall be assessed upon the land fronting on the street, road, avenue or lane on which, or part of which, such grade shall be established, authenticated and marked, and be paid by the owners thereof, and shall be and remain a lien upon such land, and the payment thereof enforced in the same manner and to the same extent as other assessments for improvements are enforced and collected by virtue of this act.

Improvements.

23. *And be it enacted*, That the said board of council shall be, and are hereby empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as a turnpike, plank road or otherwise, but not so as to interfere with the corporate rights of any incorporated company, and in and upon all streets, avenues or lanes that have been or shall hereafter be dedicated to public use within said village, whether they have been actually opened to public travel or not, except as hereinbefore excepted, and any such improvement may be made in a part of such street, road, avenue or lane; and said board of council shall have power to regulate the position, location and construction of all horse railroads to be laid in any street, road or avenue in said village, and all contracts made by the board in the profits of which any or either of the said board of council shall be interested, directly or indirectly, shall be null and void.

May sell and convey real estate.

24. *And be it enacted*, That it shall be lawful for the board of council, in the corporate name of said village, to take, purchase or lease such real and personal property as the said board may deem necessary and proper for the purposes of the said village, and the same, or any part thereof, to lease, mortgage, sell or otherwise dispose of for the use and benefit of said village, and as the said board may deem proper.

May borrow money, &c.

25. *And be it enacted*, That the said board of council shall have power from time to time to borrow such amounts of money, in anticipation of the collection of taxes and assesments, as the said board shall deem proper for the necessary expenses of said corporation, and to make and deliver the notes or obligations of the board for the repay-

ment thereof, and the said corporation shall be liable for the same.

Rights of voters not affected.

26. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or affect the right of the legal voters residing within the bounds of the said village of voting at any election to be held in the township in which said village is situated, as heretofore.

Former contracts to be binding.

27. *And be it enacted*, That no act or law heretofore passed, for or in relation to the improvement of the village of Passaic, or any part thereof, nor any act, transaction or contract made under or by virtue of any such act or law, shall have any effect as regards the application and enforcement of this act; and the corporation hereby created shall not be bound or affected in any way by any contract or transaction of any officer created or appointed under or by virtue of any such previous act or law.

Repealer.

28. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as they are inconsistent therewith, be and the same are hereby repealed.

29. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act; and that this act shall take effect immediately.

Approved March 10, 1869.

CHAPTER CXXXI.

An Act to incorporate the Board of Trade of the City of Newark.

May acquire and hold real and personal estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the association known as "The Board of Trade of the city of Newark," and all other persons who may hereafter become associated with them under the provisions of this act, are hereby created a body corporate and politic, and as such may acquire and hold estate, real and personal, to the amount of twenty-

five thousand dollars, with power to increase the same to one hundred thousand dollars.

Object of corporation.

2. *And be it enacted*, That said corporation shall have for its objects the promotion of trade; the giving a proper direction and impetus to all commercial movements; the encouragement of intercourse between business men; the improvement of facilities for transportation; the correction of abuses; the diffusion of information concerning the trade, manufactures and other interests of the city of Newark; the co-operation of this with similar societies in other cities, and the promotion and development of the commercial, industrial and other interests of said city of Newark.

May create a capital stock.

3. *And be it enacted*, That if at any time it shall be deemed advisable by said body to apportion the interests in any property they may hold or be about to acquire to the various members, the said body may, by a suitable amendment to its constitution or by-laws, create capital stock of such amount as may be necessary for the business of said body, and in such shares as may be deemed proper, the sale or distribution of which shares shall be provided for in said constitution or by-laws.

Business to be managed by a board of directors.

4. *And be it enacted*, That the property, affairs, business, and concerns of the corporation hereby created shall be managed by a president, three vice presidents, secretary, treasurer, and nine directors, who together, shall constitute a board of directors, to be elected annually, at such times, places, and according to such rules as are laid down in the constitution or by-laws of said corporation, and who shall be governed in their action by such constitution and by-laws; and the present officers shall hold their offices as officers of the corporation under this act until the expiration of their respective terms, or until others be elected in their places.

Arbitration committee, their powers and duties

5. *And be it enacted*, That the corporation shall annually elect five members of the board of trade, to be known as the Arbitration Committee; vacancies in said committee shall be filled by a special election; it shall be competent for said committee to hear and decide such matters of controversy as might be the subject of an action at law or in equity, as may arise between members of said corporation or those claiming under them, and as may be submitted to said committee by an instrument in writing, signed by said parties and attested by a subscribing witness; subpœnas for the attendance of witnesses before such committee of arbitration, shall issue

out of the circuit court of the county of Essex in the usual way, with like penalties for non-attendance; the witnesses so subpœnæd, shall be entitled to the legal fees of witnesses in said circuit court; a majority of the members of said committee shall be competent to meet together and hear the proof and allegations of the parties; said parties may be represented by counsel, and the award signed by a majority of said committee and proved in the usual manner of proving deeds, may be filed in the clerk's office of the county of Essex, and upon such filing, a judgment shall be entered upon the minutes of the said circuit court, in accordance with the award of said committee, which said judgment may be docketed, transcripts taken, and execution issued thereon as in the case of judgments rendered in said circuit court; judgments entered in conformity with such award, shall not be removed, reversed, modified, nor in any manner appealed from, by the parties thereto, except for frauds, collusion, or corruption of said arbitration committee.

Proceedings when incorporations abuse or misuse the powers granted in their charters.

6. *And be it enacted*, That in case any corporation incorporated by the laws of this state and exercising any or all its corporate powers, or holding property in the county of Essex, shall in the estimation of said board of trade usurp any powers not granted to them by their charter, or shall abuse or misuse any of the powers granted in the charter of said corporation, or shall disobey any law of this state, the board of trade may present such case of such corporation, to the grand jury of said county for their action, or may present such case of such corporation, to the attorney general of this state, who shall consider and examine the fact of such usurpation, abuser or misuser, or disobedience of law, and proceed to apply such efficient remedy as he may deem proper, in behalf of this state, which remedy may be in the supreme court or court of chancery, either by quo warranto, scire facias, mandamus, injunction or action, the nature of which action shall be at his discretion.

Constitution and by-laws not to conflict with state laws.

7. *And be it enacted*, That such parts of the present constitution and by-laws of the Board of Trade as have not been herein provided for, shall continue in force where the same are not in conflict with this act or the laws of this state.

General powers.

8. *And be it enacted*, That the said corporation shall possess the general powers conferred by the act entitled "An Act concerning Corporations," approved February fourteenth, eighteen hundred and forty-six.

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

Approved March 10, 1869.

CHAPTER CXXXII.

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

Preamble. WHEREAS, by an act approved February the fifth, eighteen hundred and fifty-three, the corporate name of the said Sussex Mine Railroad Company was changed to "The Sussex Railroad Company," and by an act approved March the sixteenth, eighteen hundred and fifty-four, the said Sussex Railroad Company was authorized to construct a branch railroad from some suitable point in the line of their then existing railroad, in the township of Newton, in the county of Sussex, to the Delaware river in the county of Warren; and whereas, the restriction as to the beginning point and the route of the said branch railroad prevents its construction; therefore, and in order to remove the said restriction,

May construct a branch road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Sussex Railroad Company may commence the said branch railroad at any point in the line of their existing railroad in the county of Sussex, between Branchville and the summit thereof, which summit is about one mile south of Andover, and may construct the same through the counties of Sussex and Warren to the Delaware river, upon such route as the said company may deem most expedient and conducive to the public good, with all the privileges, authority and franchises conferred by the said supplement authorizing the said branch railroad, and subject to all the duties, restrictions and limitations contained therein, except the restriction as to the beginning point and route, which is hereby repealed.

May construct other branch roads.

2. *And be it enacted*, That the said Sussex Railroad Company be and the same is hereby authorized and empowered to construct another branch railroad in the county of Sussex, beginning at any point in the line of their railroad now being constructed to and beyond Franklin Furnace, and to run from said beginning, by such route as the said company may deem most expedient, in a northerly direction to the boundary line of the state of New York; running on the east side of Pochuck Mountains, in what is called the Vernon Valley; and also another branch railroad, beginning at any point in the line of their railroad now being constructed to and beyond Franklin Furnace, and to run from said beginning to Deckertown, in the county of Sussex, by such route as the said company may deem most expedient; and also spurs, or branch railroads, to any mines, or furnaces in the said county of Sussex; and the said company may connect the roads hereby authorized, or either of them, with those of any other railroad company in the counties of Sussex or Warren, upon such terms as may be agreed upon by the companies; *provided*, the road or roads herein contemplated shall be completed within twelve years from the passage of this act.

Proviso.

May increase capital stock.

3. *And be it enacted*, That for the purpose of constructing the railroads hereby authorized, the said Sussex Railroad Company shall be and hereby is invested with all the rights, powers, privileges, authority and franchises given and granted to them by their original act of incorporation and the several supplements thereto, and subjected to all the duties, restrictions and limitations contained therein, and for that purpose may increase their capital stock to an additional amount of five hundred thousand dollars, to be subscribed and paid for at such times and places and in such manner as the said company may deem best.

Statement of costs and expenses to be made and filed

4. *And be it enacted*, That as soon as the branch or branches of the said railroad, contemplated under this supplement, shall be in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost or costs of the said branch or branches constructed under this supplement, including the equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of the said branch or branches constructed as

aforesaid, and after the said branch or branches, or any of them shall be in operation, the said corporation shall pay to the treasurer of the state a tax of one-half of one per centum on the cost, equipments and appendages of the said branch or branches, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said branch or branches shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate in said branch or branches, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherever it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company on account of the said branch or branches. Proviso.

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

Approved March 10, 1869.

CHAPTER CXXXIII.

An Act to incorporate the Baare Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Baare, John Ryle, John C. Ryle, Reuben Ryle and John P. McKay, and the survivors of them and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The Baare Manufacturing Company," for the purpose, and with the power and authority of carrying on, in the county of Passaic, in this state, the business of manu- Corporators. Name and object.

facturing goods and fabrics of every kind of which silk, wool, linen and cotton, or any or either of them, form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson aforesaid.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to the directors to increase the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription and take and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid, or satisfactorily secured to be paid, to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock, any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve.

Election of directors annually.

3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors hereinafter named, shall hold their office for one year, and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders at their annual meeting; and the directors shall be chosen annually on the second Monday of January, or on such other day, and at such place in the county of Passaic, as the directors shall by their by-laws, or otherwise, from time to time appoint, public notice for at least ten days previous, of the time and place being given in two of the newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder

shall be entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy, by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors or a majority of them; and the said Frederick Baare, John Ryle, John C. Ryle, Reuben Ryle, and John P. McKay, shall be the first directors of said company, and shall serve as such until the second Monday of January next, and until others are legally chosen. First directors

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them or publication thereof in one or more of the newspapers published in the city of Paterson. Non-payment of installments to work a forfeiture of stock.

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corpotation or by resolution of the board of directors. Not dissolved for failure to elect.

6. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish, and put into execution, such by-laws, ordinances and regulations, as they shall deem necessary and proper for the government, management, or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this state, or of the United States. Quorum. Proviso.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of Stock transferable.

stock shall be valid or effectual until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose; and no dividends shall be declared except out of the net profits of the company.

How dissolved

8. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders thereof, specially convened for that purpose by the president, upon twenty days' notice in writing served upon each stockholder, or by publication thereof for the same time in two newspapers of the city of Paterson; *provided*, at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders; 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 corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company.

Proviso.

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

Approved March 10, 1869.

CHAPTER CXXXIV.

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

Overseers of the poor to give bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person shall hereafter be elected to the office of overseer of the poor in any township within this state, he shall, before he enters upon the duties of his office, enter into bonds to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, who shall be a freeholder or freeho'ders, and resident in said township, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of overseer of the poor of said township according to law.

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

Approved March 10, 1869.

CHAPTER CXXXV.

An Act to incorporate the Boundbrook and Plainfield Canal Company.

Commissioners to receive subscriptions to capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William White, Stephen O. Horton, Phineas M. French, Abraham Coriell, James Thompson, John H. Anderson and Enos W. Runyon, be and are hereby appointed commissioners to receive subscriptions to the capital stock of the "Boundbrook and Plainfield Canal

Company" at such times and at such places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed and circulating in the county of Somerset.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege of increasing it to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and that five dollars shall be paid on each share at the time of subscribing, and that the residue of such subscriptions shall be paid in such installments, and at such times and places, and to such persons, as the president and directors of said company shall from time to time direct, and give public notice of; *provided*, that no installment to be called for shall exceed twenty dollars on each share; *and provided also*, that if the number of shares subscribed for, shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers in the proportion of the number of shares by them respectively subscribed.

Proviso.

Proviso.

Name of corporation.

3. *And be it enacted*, That as soon as the sum of fifty thousand dollars is subscribed and paid in cash, the person subscribing or holding the same, shall be and are hereby incorporated into a company, by the name of "The Boundbrook and Plainfield Canal Company," and by that name shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying real and personal estate, and shall have all other powers and privileges, incident to a body corporate and politic, and necessary to carry into effect the purposes of this act; and as soon as the said sum of fifty thousand dollars is subscribed as aforesaid, it shall be the duty of the said commissioners, or a majority of them, or the survivors of them, to call a meeting of the subscribers at such convenient place in the said county of Somerset, as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner herein directed, with regard to opening the books, at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect by ballot from among the subscribers nine directors to manage the affairs of said company, who shall hold their office for one year, and until others are elected in their place, of which election the said commissioners shall be judges; and at the expiration of one

Directors, and how elected.

year, 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, who shall hold their office in manner aforesaid; and at every such election each stockholder may vote in person or by proxy, and shall have as many votes as he or she or they have shares of stock.

Election of president and treasurer.

4. *And be it enacted*, That within twenty days after the first, and every annual election of said company, the said directors shall choose one of their own number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business, and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, with sufficient sureties, for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board by death or otherwise, and at every annual election after the first, to choose two discreet and impartial men to be judges of said election.

May construct and make a canal.

5. *And be it enacted*, That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from a suitable point at or near Boundbrook, in such a manner that the same will connect with the Delaware and Raritan canal, the consent of said Delaware and Raritan Canal Company being first obtained, at some suitable point at or near North Plainfield, in Warren township in said county of Somerset, upon such line or route as the said company may deem most advantageous, which canal shall not exceed sixty feet in width at the water line, and seven feet in depth, and for that purpose it shall be lawful for said company, by their president and directors, or any agent, engineer or superintendent, to enter upon and explore any land lying between any points above mentioned, or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as hereinafter directed.

Proceedings in case no agreement can be made with owners of property.

6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said company in the construction of said canal, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of said county of Somerset, commissioners to examine and appraise the said land, and assess the damages sustained thereby, by reason of taking the same, upon such notice, not less than twenty days to be given to the person or persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and proceed to view and examine the said lands; said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said canal to the said owner or owners, and to make a just and equitable appraisement or estimate of the value of the said lands, and an assessment of damages, which shall be paid by the company for such lands and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the

lands, and the appointments and oaths and affirmations aforesaid in the clerk's office of said county, to remain of record therein, which report, or in case of any appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, (the damages found or assessed with the costs adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings in case the company or owners are dissatisfied with report.

7. *And be it enacted*, That in case the said company or owner or owners of the said land shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the said circuit court, or in any justice thereof, full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said lands and damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded

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

Proviso.

May erect locks or tide gates.

8. *And be it enacted*, That the said company may erect, or cause to be erected, on said canal, one or more good and substantial locks or tide-gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal whenever they may think it necessary.

Bridges to be kept in repair

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over the said canal where any public, private or by road shall cross the same, so that the passage of carriages, horses and cattle on said road shall not be prevented thereby.

Penalty for injury to locks or for obstructing.

10. *And be it enacted*, That if any person shall wilfully or maliciously injure said canal, its locks, gates or anything thereunto pertaining, or shall obstruct the navigation thereof, he, she or they shall be liable to indictment, and fined or imprisoned, or both at the discretion of the court, the fine not exceeding twenty dollars, nor the imprisonment three months, before whom he, she or they shall be tried, and shall also be liable to make good all damages the company may sustain thereby.

When lawful to demand toll.

11. *And be it enacted*, That as soon as the said canal shall be completed, the said company are hereby authorized to demand and receive such sum or sums of money for tolls and the transportation of persons and every species of property whatsoever on said canal as they shall from time to time think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per ton per mile toll for the transportation of every species of property, nor

more than five cents per mile toll for the carrying of each passenger on the canal.

Penalty for evading payment of toll.

12. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance thereof.

Penalty for hindering boats or vessels.

13. *And be it enacted*, That if any toll-gatherer, agent, or any person acting under the authority of said company, shall unnecessarily stop or hinder or delay any boat, vessel, scow or craft that may navigate the same, or shall take more toll than by this act is authorized, he shall for every such offence forfeit and pay to the party injured, the sum of twenty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, in the name and for the use of the party injured.

Dividends.

14. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall semi-annually thereafter, if the affairs of said company will admit thereof, declare such further dividend or dividends, and pay the same to the stockholders of said company in proportion to the amount of shares held by them respectively; or, in case they fail to do so, assign their reasons to the stockholders in writing for not so doing.

Limitation.

15. *And be it enacted*, That if the canal shall not be commenced within five years after the passage of this act, or shall not be completed within ten years, this act shall be void.

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

Approved March 10, 1869.

CHAPTER CXXXVI.

An Act for the relief of Josiah Ale, of the county of Salem.

Pension increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to pay to Josiah Ale, of the county of Salem, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and sixty-nine.

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

Approved March 10, 1869.

CHAPTER CXXXVII.

An Act to incorporate the Aspinwall Potato-digger Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George S. Duer, Isaac Horner, Bennington Gill, Joseph H. Scudder and John Melick, and their associates be, and they are hereby created a body politic and corporate in fact and in law, by the name and style

Name.

of "The Aspinwall Potato-digger Company," for the purpose of selling local, county and state rights, for the patent right of said potato-digger, and for manufacturing agricultural implements and other machinery, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of twenty-eight thousand dollars, to be divided into shares of one hundred

dollars each, with the privilege of increasing the same from time to time, to any sum not exceeding fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purposes of their business aforesaid.

May purchase and hold real estate.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient, for the purpose of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation may direct; and until such annual election shall take place, George S. Duer, Isaac Horner, Bennington Gill, Joseph H. Scudder, and John Melick, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business: and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

First directors

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day desig-

nated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Books of account to be kept.

6. *And be it enacted*, That the principal office of said company shall be at Trenton, in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times, for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

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

Proviso.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 10, 1869.

CHAPTER CXXXVIII.

An Act to incorporate the Medford Land Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph C. Hinchman, William S. Braddock and Charles S. Braddock, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Medford Land Improvement Company," for the purpose of buying, holding, cultivating and improving lands in the county of Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and may hold such personal property as may be needful therefor, and may erect dams and other water works on the said lands, where necessary to irrigate the same or any part thereof; and that they and their successors by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels or any part thereof.

Name.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing to forty thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened in the village of Medford, in Burlington county, at such time as the directors may designate under their direction, or that of such persons as a majority of them may select.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of three directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall

have power to make by-laws for the goverment and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

Stock transferable.

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

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

Approved March 10, 1869.

CHAPTER CXXXIX.

An Act to repeal the act entitled "An Act to incorporate Mercer Lodge, Number Fifty, Ancient Free and Accepted Masons, located at Trenton, New Jersey," approved March sixteenth, eighteen hundred and sixty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate Mercer Lodge, Number Fifty, Ancient Free and Accepted Masons, located at Trenton, New Jersey," approved March sixteenth, eighteen hundred and sixty-six, be and the same is hereby repealed.

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

Approved March 10, 1869.

CHAPTER CXL.

An Act for the relief of Aaron Pagett, of the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to pay to Aaron Pagett, of the county of Salem, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and sixty-nine. Pension increased.

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

Approved March 10, 1869.

CHAPTER CXLI.

Supplement to an act entitled "An Act relative to taxes in certain counties of this State," approved April eighth, eighteen hundred and sixty-eight, and the supplement thereto, approved April seventeenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county of Morris be exempted from the operation of the said law and its supplement, and the same is hereby repealed as to the county of Morris. Repealer.

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

Approved March 10, 1869.

New Jersey State Library

CHAPTER CXLII.

An Act to incorporate the Day Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Day, Thomas Day, John Ryle, John C. Ryle and John P. McKay, and the survivors of them, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The Day Manufacturing Company," for the purpose, and with the power and authority, of carrying on, at Paterson, in this state, the business of manufacturing goods and fabrics of every kind of which silk, wool, linen and cotton, or any or either of them, form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson aforesaid.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to the directors to increase the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription and take and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent, not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid, or satisfactorily secured to be paid, to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve.

Commissioners to open books of subscription.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors hereinafter named, shall hold their office for one year, and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders at their annual meeting; and the directors shall be chosen annually on the second Monday of January, or on such other day, and at such place in the city of Paterson, as the directors shall by their by-laws, or otherwise, from time to time appoint, public notice for at least ten days previous, of the time and place being given in two of the newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy, by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors or a majority of them; and the said John Day, Thomas Day, John Ryle, John C. Ryle and John P McKay shall be the first directors of said company, and shall serve as such until the second Monday of January next, and until others are legally chosen. Directors, how chosen. First directors

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them or publication thereof in one or more of the newspapers published in the city of Paterson. How payments may be made for stock

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, Failure to elect not to dissolve.

but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

Powers of corporation.

6. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish and put into execution, such by-laws, ordinances and regulations, as they shall deem necessary and proper for the government, management, or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this state, or of the United States.

Proviso.

Stock transferable.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose, and no dividends shall be declared except out of the net profits of the company.

How dissolved

8. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders thereof specially convened for that purpose by the president upon twenty days' notice; *provided*, at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders; 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 corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company.

Proviso.

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

Approved March 10, 1869.

CHAPTER CXLIII.

An Act to incorporate the Van Riper Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter V. H. Van Riper, George P. Van Riper, Robert Atherton, James L. Wood and John N. Messenger, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Van Riper Manufacturing Company," for the purpose of manufacturing and selling bobbins, spools, belting, manufacturers' supplies, and cotton, silk, woolen, and all other kinds of machinery, and of carrying on the business incident thereto, in the city of Paterson, in this state, or any place in the county of Passaic, and may change the same as the directors may deem proper; and by that name they and their successors shall have succession and continue a body corporate and politic, and shall be capable of contracting and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended and answered unto in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of the company, and carrying on the business for which the said corporation is created.

Name and object.

May purchase and hold real estate

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the county of Passaic as may be required for the purposes of said corporation, and all other real estate which shall have been mortgaged to the 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 or upon such debts, and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may make such by-laws for their regulation and government as they may see proper;

Proviso. *provided*, the same are not inconsistent with the constitution of the United States or of this state; and all stockholders may in all questions submitted to them, and in all elections, be entitled to one vote for every share he or she holds in the stock of said corporation, which vote may be cast in person or by proxy; and all matters before said stockholders shall be decided by a majority of the votes so cast.

Election of directors. 3. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by five directors, one of whom the said directors shall appoint their president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places, said directors shall be elected at the annual meeting of the stockholders, to be held on the first Monday of May, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, the persons named in the first section of this act, shall be the directors of said corporation; a majority of the directors shall on all occasions when assembled, at such time and place as the by-laws shall prescribe, constitute a board competent to transact business; and all business matters before them, shall be decided by a majority of votes, and in case any vacancy shall occur in the board of directors, by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being or a majority of them, shall have power to fill such vacancy, by the appointment of any stockholder.

Amount of capital stock. 4. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as sixty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payment thereon, if such pay-

Stock may be forfeited on failure to pay installments.

ments shall not be made within thirty days after the day fixed for that purpose, by public notice, previously published for the space of thirty days, in two newspapers printed in said county, designating the proportion of such payment per share, and the time and place, when and where, and the officer to whom the same shall be required to be made.

Time when subscription books may be closed.

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

Buildings, &c., may be taken in payment for stock.

6. *And be it enacted*, That any buildings, land, property, machinery, stock or materials used in manufacturing, which may be received in payment for subscriptions for stock, shall be taken at a valuation approved by a majority of the board of directors or a majority of the stockholders.

Stock transferable.

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

Proviso.

Not dissolved by failure to elect

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

Books of account to be kept.

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

How dissolved

10. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, specially summoned for that purpose by the president, upon twenty days' notice in writing to each stockholder; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution

Proviso.

the directors for the time being, and the survivors and survivor of them shall be trustees for settling of all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts; and in the payment of such debts, preference shall, in all cases, be made in favor of the employees of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed and the survivors and survivor of them shall be trustees for the purpose aforesaid.

Limitation.

11. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage;

Proviso.

provided, nevertheless, that the legislature reserve the right to alter or amend this act whenever the public good may require it.

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

Approved March 10, 1869.

CHAPTER CXLIV.

An Act to enable Lodges of Free and Accepted Masons to take, hold and convey real and personal estate.

Proceedings to obtain the benefit of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any Lodge or Chapter of Free and Accepted Masons, which is or hereafter may be duly chartered by and installed according to the general rules and regulations of the Grand Lodge or Grand Chapter of Free and Accepted Masons of the state of New Jersey, shall be desirous of having the benefit of this act, it shall and may be lawful for such lodge or chapter, at any regular communication or convocation thereof, held in accordance with the constitution and general regulations of the grand lodge or

chapter aforesaid, and in conformity to its own by-laws, to elect three trustees for such lodge or chapter, for the purpose aforesaid, a certificate of which election and purpose shall be made and subscribed by the first three elective officers of such lodge or chapter, under their hands, and stating therein the time and place of such election, the regularity thereof, the names of said trustees, and the terms severally for which they are allotted to serve, and the name of the lodge or chapter for which they are elected; the execution of such certificate shall be acknowledged or proved before some officer authorized to take the acknowledgment of deeds, who shall endorse thereon a certificate of such acknowledgment, under his hand, and the same shall then be filed in the office of the clerk of the county wherein such lodge or chapter is located; and thereupon such trustees and their successors shall be and become entitled to all the benefits, rights and privileges granted by this act, to and for the use and behoof of said lodge or chapter, and a copy of said certificate, certified by the secretary of state or his deputy, shall be evidence of the right of said trustees to exercise all the rights and privileges conferred by this act; and said trustees shall thereupon be authorized to take, hold and convey real and personal estate for the charitable purposes of said lodge or chapter, not exceeding the clear annual value of ten thousand dollars.

Election of trustees, and their term of office.

2. *And be it enacted*, That the persons so first elected trustees shall be divided by lot by said officers making said certificates, so that the term of one shall expire on the day of the festival of Saint John the Evangelist, next thereafter, and another in one year, and the third in two years thereafter; one trustee shall annually thereafter, prior to the expiration of the terms of office of said trustees and their successors, be elected by said lodge or chapter by ballot, in the same manner, and at the same time as the first three officers thereof, severally are or shall be elected according to the constitution, by-laws and general regulations aforesaid, and a certificate of said election, under the hands of said officers, and the seal of said lodge or chapter, if they have one, shall be made and shall be evidence of said election, and entitle said person so elected, to act as trustee; said lodge or chapter may at any regular communication or convocation, fill any vacancy that may have occurred in said board of trustees, to be certified in like manner and with like effect as at an annual election; the person so elected shall hold his office

for and during the term of the trustee whose office he was elected to fill.

Vacancies, how filled.

3. *And be it enacted*, That if any person so elected trustee shall die, resign, demit or be suspended or expelled from said lodge or chapter, remove from the state, or become insane, or otherwise incapacitated for performing the duties of said trust his office as trustee, shall therefor be deemed vacant, and said lodge or chapter may thereafter at any regular meeting fill such vacancy, in the manner and with the effect stated in the last section.

Powers of trustees.

4. *And be it enacted*, That the trustees of any such lodge or chapter and their successors shall be and are hereby authorized to take, hold and convey, by and under the direction of said lodge or chapter and for the use and benefit thereof, all the temporalities and property belonging thereto, whether consisting of real or personal estate, and whether the same shall have been given, granted or devised directly to such lodge or chapter or to any person or persons for their use, or in trust for them, or their benefit, and also in their individual names, with the addition of their title as trustees aforesaid, to sue and be sued in all courts and places having jurisdiction, and to recover, hold and enjoy, in trust, and subject aforesaid, all the debts, demands, rights and privileges, and all masonic halls, with the appurtenances, and all other estate and property belonging to such lodges and chapters, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said trustees; and also to purchase and hold for the purposes and subject as aforesaid, other real and personal estate, and to demise, lease and improve the same; and such lodge or chapter shall have power to make rules and regulations, not inconsistent with the laws of this state, nor contrary to the constitution or general regulations of the grand body to which it shall be subordinate, for managing the temporal affairs of such lodge or chapter, and to dispose of its property and all other temporal concerns and revenue thereof; and the secretary and treasurer of such lodge or chapter, duly elected and installed according to the constitution and general regulations aforesaid shall, for the time being, be ex-officio the secretary and treasurer of said trustees.

Act how construed.

5. *And be it enacted*, That nothing in this act contained shall be construed or taken to give to such trustees of any

lodge or chapter the power to purchase, sell, convey or dispose of any property, real or personal, of such lodge or chapter, nor shall they have such power except by and under the direction of such lodge or chapter, duly had at a regular or stated communication or convocation thereof, according to the constitution and general regulations aforesaid; and said trustees shall at all times obey and abide by the directions, orders and resolutions of said lodge or chapter duly passed at any regular or stated communication or convocation thereof, according to and not contravening the constitution and laws of this state or of the grand body to which it shall be subordinate, or of the lodge or chapter aforesaid.

Proceedings for surrender of charter or privilege.

6. *And be it enacted*, That it shall and may be lawful for any lodge or chapter, or the trustees or officers thereof, under the direction of such lodge or chapter, heretofore incorporated by the laws of this state, or thereby enabled to take and hold real or personal estate or both, to surrender such act of incorporation, charter, or privilege, and to be enabled to take and hold property, with all the rights and subject to all the provisions of this act, on making and filing the certificate in the manner specified in the first section of this act, and therein stating, in addition to what is therein required, the surrender of said act, charter, or privileges referring to and specifying the same, and such certificate being so made and filed, the lodge or chapter making or filing the same, shall thereupon be deemed as having surrendered such incorporation, charter or right, and its property shall be fully vested in the trustees specified in said certificate and their successors, with all the rights, powers and privileges, and subject to all the provisions of this act.

Not dissolved by failure to elect.

7. *And be it enacted*, That no board of trustees for any lodge or chapter, filing the certificate aforesaid, shall be deemed to be dissolved for any neglect or omission, to elect a trustee annually or fill any vacancy or vacancies that may occur or exist at any time in such board, but it shall and may be lawful for said lodge or chapter, to fill such vacancy or vacancies at any regular communication thereafter to be held, and till a vacancy arising from the expiration of the term of office of a trustee is filled, as aforesaid, he shall continue to hold the said office and perform the duties thereof.

Public act.

8. *And be it enacted*, That this act shall be deemed a public act, and be benignly construed in all courts and places to

accomplish the object thereof, and shall take effect immediately.

Approved March 10, 1869.

CHAPTER CXLV.

A Further Supplement to an act entitled "An Act to incorporate the town of Belvidere."

Council to establish boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of said town to ascertain and establish the boundaries of all streets, lanes and alleys in said town, and to straighten the lines of said streets, lanes and alleys, and for that purpose may take appropriate any lands and real estate which may interfere with the straightening of said lines, upon making compensation to the owner or owners thereof.

Compensation to be made to owners for real estate taken.

2. *And be it enacted*, That whenever the common council shall determine by ordinance to straighten the lines of streets, lanes or alleys, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for that purpose they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and shall receive from such owner or owners a conveyance of such lands and real estate to said town.

Proceedings when no agreement can be made.

3. *And be it enacted*, That in case no agreement can be made for such purpose, it shall be lawful for the common council to appoint three disinterested freeholders, one of whom shall be a resident of said town, and two of whom shall be a resident of the township of Oxford, in the county of Warren, commissioners to make an estimate and assessment of the damages that any such owner or owners may

sustain by taking and appropriating in the manner aforesaid such lands and real estate.

Commissioners shall take oath

4. *And be it enacted*, That said commissioners before entering upon the duties required of them, shall severally take and subscribe an oath or affirmation before the mayor or clerk of said town, to make the said assessment and estimate fairly and impartially, according to the best of their skill and judgment.

Commissioners to give notice of time and place of meeting.

5. *And be it enacted*, That said commissioners shall give public notice of the time and place of their meeting, by advertisements signed by themselves and put up in seven public places of said town, at least five days before such time of meeting, and they shall have power when met, or a majority of them, to examine witnesses, under oath or affirmation, to be administered by one of them, to enter upon and view the premises, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of the same and file the same with the town clerk, and the same being ratified by the common council shall be binding and conclusive on the owner or owners of said lands and real estate and the said common council, and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of said common council may appeal within thirty days from the time of making the final order of said common council to the court of common pleas in and for the county of Warren, and said court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Proviso.

Proceedings in case of non-payment of damages assessed.

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

Street committee, their powers and duties.

7. *And be it enacted*, That at the first regular meeting of the common council of the said town, after the annual spring election, there shall be appointed by the said common council, a committee of the common council, to be called the street

committee, who shall have the same powers, privileges, rights and jurisdiction, and perform the same duties, and be subject to the same restrictions, liabilities and penalties, that the overseers of the road are subject to by the act to which this is a supplement.

Manner of raising money for support of the poor and other expenses.

8. *And be it enacted*, That the common council of the said town shall have power and authority by resolution, after not less than one week's public notice, to determine how much money shall be raised and expended by the said town for the support of the poor of said town, and for the making and repairing of the streets, roads and highways of the said town, and for the defraying the incidental expenses of the town, which sums shall be assessed and collected in the manner provided for in the act to which this is a supplement, and all moneys raised in said town for making, working and repairing the highways and streets of said town, shall be used and expended by the street committee provided for by this act, who shall in addition to the powers vested in them as overseers of the highways, shall also have the supervision over the streets, highways, alleys, and sidewalks of the said town, and the management, direction and control of all work done thereon, and all moneys expended in making and repairing the same.

Council shall cause streets to be graded, &c.

9. *And be it enacted*, That the common council of the said town shall have power within the limits of said town to order and cause any street, highway, or section thereof, or the sidewalks thereof, to be leveled, graded, graveled, paved, flagged, or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street committee of said town, and to cause the expenses of leveling, paving, flagging, guttering, curbing or improving the sidewalks, to be assessed on the adjoining lots and collected as they may prescribe.

May contract debt or debts.

10. *And be it enacted*, That the common council of the said town is hereby authorized and empowered to contract a debt or debts to an amount not exceeding ten thousand dollars in the whole, for the grading, running, and widening the public streets, highways and alleys of said town, and to provide for the payment thereof, and of the interest, by taxation, in the same manner as the state and county taxes are assessed and collected in the said town; *provided, nevertheless*, the said common council shall not cause to be assessed and collected or expend more than two thousand five hundred dollars

Proviso.

in any one year for the purposes of repairing and grading said streets as aforesaid.

Collector to make return of delinquents

11. *And be it enacted*, That the collector of the said town shall make his return of delinquent tax-payers to some one of the justices of the peace of the said town, instead of the mayor, as now required by law.

Mayor and council to elect school superintendent.

12. *And be it enacted*, That the mayor and common councilmen at their first meeting, after their election, shall elect one person of literary acquirements and experience in the art of teaching public schools, superintendent of said public schools for the town of Belvidere, who shall be required to give bonds to the inhabitants of said town in such sum as the said council may determine upon, and determine by resolution the yearly compensation of said superintendent; the said superintendent shall receive all moneys raised by or coming to said town for school purposes, and pay the same out upon proper authenticated orders, and shall examine and license teachers before being employed by the trustees of said town, and make out the report and perform all other duties required by county superintendents of said town.

Mayor and council to grant licenses.

13. *And be it enacted*, That the mayor and common councilmen shall have the right of licensing saloons, eating houses and shops, where ale, beer, malt liquor, or any other manufactured drinks shall be sold (if they think advisable), and fix the rates of such license; the applicants to be liable to the same penalties, give the same security as now provided by the act governing "inns and taverns;" they shall apply for such license by petition signed by the applicant, after giving one week's notice in the newspapers published in said town, of such intended application; and all persons selling or offending against this law without license granted by virtue of this act, shall be liable to the same penalties, pains and liabilities, as persons selling liquor without license.

Repealer.

14. *And be it enacted*, That so much of the act to which this is a supplement, as authorizes the inhabitants of the said town to elect one or more overseers of the highways at the annual town election, is hereby repealed, together with all other parts of the act to which this is a supplement, and the several supplements thereto, that are inconsistent with the provisions of this act are hereby repealed.

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

Approved March 10, 1869.

CHAPTER CXLVI.

Supplement to an act entitled "An Act to incorporate the Ridgefield Park Railroad Company," approved April fourth, eighteen hundred and sixty-seven.

May borrow money and secure the same by mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Ridgefield Park Railroad Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, or repair said road, and furnish the said company with all the necessary engines, machinery, and equipments for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage or otherwise, on the said roads, lands and franchises and appurtenances of or belonging to said company, to the extent of thirty thousand dollars for every mile of road constructed, at a rate of interest not exceeding seven per centum per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

Railroad may be extended.

2. *And be it enacted*, That the said company shall have power to survey, lay out, construct, equip, maintain, operate, and extend their railroad from the Ridgefield Park to some point north in the New York and New Jersey state line, east of the Hackensack river, and to make such branches from and connections with said extension railroad as they may deem necessary; *provided*, that neither said extension road nor its branches shall be built west of the Hackensack river, excepting in the township of Washington, where the distance from and west of the said Hackensack river shall not exceed one mile, and that the same rights, powers, privileges and franchises granted in the act to which this is a supplement, in respect to the locating, laying out, constructing, maintaining and operating their road, be, and they are hereby conferred in the locating, constructing, running and operating said extension branches and connections hereby authorized, and that all necessary lands for the said extension, branches and connections hereby authorized, may be taken in the same manner and under the same mode of compensation provided for in the act to which this is a supplement.

Proviso.

3. *And be it enacted*, That said road shall be commenced within three years, and shall be completed within five years from the passage of this act. Limitation.

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

Approved March 10, 1869.

CHAPTER CXLVII.

An Act to incorporate the City of Bayonne, in the county of Hudson, and State of New Jersey.

TITLE I.

BOUNDARIES, NAME, CORPORATE TITLE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Hudson, lying south of the Morris Canal, included within the following boundaries, that is to say, commencing at a point in Newark bay, where a line if drawn from a point where the Morris Canal nears said bay into the same at right angles thereto, would intersect the westerly boundary of the township of Greenville; thence southeasterly along said line to the Morris Canal; thence along the southerly line of the Morris Canal to New York bay; thence into said bay at right angles thereto, to the boundary line between the states of New Jersey and New York; thence along said boundary line through New York bay and the Kill Von Kull into Newark bay as far as the boundary of said county extends; thence along said boundary line in Newark bay to the place of beginning, at present known as the township of Bayonne, shall be one municipal corporation, to be known and called the city of Bayonne, and the citizens of the state from time to time, inhabitants within said boundaries, shall be and constitute said corporation; they shall have all the powers necessary for carrying out the objects and purposes of this act, Boundary lines. Incorporation of town.

and may have a common seal, alterable at pleasure, and by the title of "The Mayor and Council of the City of Bayonne," may sue and be sued in any of the courts of this state.

WARD DIVISIONS.

Boundaries of wards.

2. *And be it enacted*, That the said city shall be divided into three wards in the manner following, to wit: all that portion of said township south of the centre line of Linnet street, extended southerly and easterly to Kill Von Kull, and northerly and westerly to Newark bay, to constitute the first ward, and from said line northerly to and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue from New York bay to Newark bay, to constitute the second ward, and all that portion of said township north of said northerly line of Huron avenue to constitute the third ward of said city; and these divisions shall remain until changed by the mayor and council, who shall have power, once in four years, dating from the passage of this act, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards.

TITLE II.

CITY OFFICERS—HOW ELECTED—TERM OF OFFICE AND HOW APPOINTED.

Election of city officers.

3. *And be it enacted*, That the city officers of said city shall consist of a mayor, a recorder, a treasurer, a collector of revenue, a city clerk, an overseer of the poor, a chief engineer of the fire department, a street commissioner, one chosen freeholder, and two or more city surveyors; the mayor and recorder shall be elected at the next charter election after the passage of this act; the mayor for the term of two years, the recorder for the term of three years, and the superintendent of schools for the term of one year; and the chosen freeholder for the term of one year, the treasurer, collector of revenue, city clerk, overseer of the poor, street commissioner, city surveyors, and such other officers as are hereinafter provided for, shall be appointed annually by the mayor and council as herein provided, and a majority of concurring votes shall be necessary in all cases; the chief engineer of the fire department shall be elected annually by the

fire department, subject to the approval of the mayor and council.

Election of ward officers.

4. *And be it enacted*, That the ward officers of each ward shall be two councilmen, one constable, one poundkeeper, one commissioner of appeals, one assessor and three inspectors of elections, who shall be elected annually in each ward at the charter election, whose term of office shall be for one year, except that at the first election held after the passage of this act, one of said councilmen shall be elected for two years, and the two shall determine by lot, after the election, which one shall serve for two years; and after the first election held after the passage of this act, there shall be but one councilman elected in each ward at each election, and his term of office shall be for two years; and each ward subsequently created, as provided in this act, shall elect councilmen and other officers for the said ward, the same as above provided for; *provided*, that in electing inspectors of election not more than two in each ward shall be chosen from one political party; there shall be a school trustee elected annually in each ward, at the charter election, who shall hold his office for three years; *provided*, that they shall not enter upon their duties until the expiration of the terms of office of their predecessors; the councilmen of each ward shall perform such duties, ex-officio, as the laws of this state devolve on the town committeemen in the townships of this state.

Proviso.

Proviso.

Annual charter election.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April in each year, at the place in each district designated and appointed for that purpose by the inspectors of elections, between the hours and in the same manner and under the same regulations in all things as prescribed by law for state elections for members of the legislature; *provided*, that all the duties, as above, of inspectors of election shall be performed, as to the first election held after the passage of this act, by the town committee of Bayonne or by inspectors appointed by them.

Proviso.

Who may be entitled to vote.

6. *And be it enacted*, That 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, and of the city thirty days before said election, shall be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he shall actually reside at the day of election and in no other ward;

and the person or persons receiving the greatest number of votes of those given in the city for any city office, and the person or persons receiving the greatest number of votes given in such ward for an office in that ward shall be deemed elected to that office.

Election for state and county officers, how conducted.

7. *And be it enacted*, That all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state government, or officer of the said county of Hudson, to be elected by the people, shall be held by the inspectors of election, in the several wards of said city, at the places therein appointed for holding the city election, by said inspectors, on the day or days which now are or hereafter may be designated by law for holding such elections; and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state; and the said inspectors of elections in said city of all elections hereafter to be held, shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elections, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties and forfeitures incurred by persons so offending at such elections in the townships of this state.

Returns of election to be filed

8. *And be it enacted*, That in all elections for city and ward officers of said city, the inspectors of elections of each of the several election districts in said city, in addition to the other duties required of them by law, shall make and sign a statement of the election in said district, for what officers, the number of votes cast for each person voted for any office, specifying the names of the persons so voted for, with the number of votes rejected, which statement shall, within forty-

eight hours after the closing of the polls, be filed in the office of the city clerk, who shall, within five days thereafter, file a true copy of such election returns in the office of the clerk of the county of Hudson.

Vacancies, how filled.

9. *And be it enacted*, That in case any vacancy shall occur in any of the city or ward offices, by resignation, disqualification or death of the incumbent of said office, or in any other manner whatsoever, (except in the office of mayor, recorder or councilmen), the board of councilmen shall fill by appointment such office for the unexpired portion of the term; and in case of any such vacancy happening as aforesaid, in the office of recorder or councilman, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; *provided*, that in case of a vacancy as aforesaid, in the office of recorder, it shall be lawful for the board of councilmen, on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and such justice of the peace when so designated by resolution of the board of councilmen shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well of cases pending in said court and not decided, as of all new matter in said court; and all his official acts as such recorder shall have the same force and virtue and be as valid as if the same had been performed by the recorder himself.

Proviso.

Duties of the mayor.

10. *And be it enacted*, That the mayor shall be elected every two years, but no person shall be eligible to that office unless he shall have resided in said city at least three years, and shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the board of councilmen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the city; he shall possess the same powers and authority

in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction or on behalf of said city shall, before they become valid or binding on the city, be signed or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the president of the board of councilmen shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; *provided*, three months or more of the term of office is unexpired; *and provided*, that the mayor thus elected shall only be so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen or watchmen of said city; and he shall have power to suspend any policeman or watchman, and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board,

Proviso.

Proviso.

Election of recorder.

11. *And be it enacted*, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

Duties and powers of recorder.

12. *And be it enacted*, That the recorder shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a sum-

mons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trials of small causes, and also an appeal as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; *provided further*, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment, imposed as a penalty, shall exceed sixty days for each offence; *and also provided*, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successors who shall have jurisdiction of the same, as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

Proviso.

Proviso.

Proviso.

Proviso.

13. *And be it enacted*, That the officers empowered to serve process issued by the recorder, shall be, besides the constables elected or appointed, within said city, the policemen of the city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety

Policemen to have like powers as constables.

as may be approved by the recorder unto the mayor and council of the city of Bayonne, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes

Fees of the recorder on certiorari.

14. *And be it enacted*, That in all cases in which persons shall bring certioraris to remove the order, proceedings or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

Certiorari, when allowed.

15. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into bond with the mayor and council of the city of Bayonne in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

Proceedings in case of certiorari.

16. *And be it enacted*, That if any proceedings of the said recorder shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Hudson.

Duties of the treasurer.

17. *And be it enacted*, That the treasurer shall receive, safely keep and disburse, under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by

the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board, passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Duties of the city clerk.

18. *And be it enacted*, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state, have charge of all the records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep a record of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places; that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances and by-laws recorded therein; and until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and published according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city, and all the records and minutes of proceedings aforesaid, shall at all convenient times be open to the inspection of any citizen of said city.

Duties of the overseer of the poor.

19. *And be it enacted*, That the overseer of the poor shall perform such duties as by the laws of this state, now appertain to and devolve upon overseers of the poor in the townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; and they shall in addition thereto, perform such other duties as the said board shall fix, designate and establish; the street

commissioners and city surveyors shall respectively perform such duties as are provided by law and the provisions of this act, and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

Collector of revenue, and his duties.

20. *And be it enacted*, That there shall be appointed by the said board of councilmen, a collector of revenues for said city, whose duty it shall be to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise, and shall do and perform all other duties which the said board may by ordinance prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year the said proceedings shall be filed in the office of the city clerk; and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state or to the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Constables and other city officers, their duties.

21. *And be it enacted*, That the constables, chosen freeholders, surveyors, poundkeepers, commissioners of appeals and inspectors of elections, and assessors in the several wards, shall perform the duties required of such officers by law in the several townships of this state, and the ordinances of said city.

City officers to take and subscribe oath.

22. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the board of councilmen, shall enter upon the discharge of his duties unless within twenty days after his election or appointment, he shall take and subscribe before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths or affirmations on file in his office; and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation for ten days after his election or appointment, or shall neglect within said ten days to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

23. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next, after their election, and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city, shall commence on the first Monday of May in every year, except in cases otherwise provided for in this act; and they shall continue in office until the end of their term, and until others are appointed and qualified in their place, unless removed as herein provided. Commencement of official term.

24. *And be it enacted*, That the city clerk, treasurer, collector of revenue and such other officers as the board of councilmen may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such sureties as the said board may approve for the faithful performance of their duties; and all constables shall give bonds to the city in the manner required by law, with sureties to be approved by said board. City clerk, &c to give bonds.

25. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered a township, and shall be entitled at least to one justice of the peace. Election of justices of the peace.

26. *And be it enacted*, That the assessors before entering upon the discharge of their duties, shall take and subscribe the oath required by other officers of said city; all taxes for the purposes of the city shall be by them assessed in the manner and within the time directed by the laws of this state for assessing township, county and state taxes; and the said assessors, acting as a board of assessors, shall meet together from time to time, as may be necessary, before concluding their duties, to determine and compare the justice and propriety of any and all assessments made by them or either of them, in order that a uniformity in valuation may be established for all portions of said city. Duties of assessors.

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury. Fines to be paid into city treasury.

28. *And be it enacted*, That if any person having been an officer of said city, shall not within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the board of councilmen shall allow, deliver over to his successor in office, all property, books and papers belonging to the city or appertaining to such office in Penalty for failure to deliver books, property, &c.

his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

TITLE III.

OF THE POWERS AND DUTIES OF THE BOARD OF COUNCILMEN.

Election of president of councilmen.

29. *And be it enacted*, That the legislative power of the city of Bayonne shall be vested in the board of councilmen; they shall annually elect one of their number to be president of said board, and in his absence shall elect one of their number to preside for the time being; appoint the times and places of meeting; determine and establish the rules of their own proceedings; be the sole judges of the qualifications of their own members; keep a journal of their proceedings; pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act; and may expel a member for disorderly conduct or a violation of their rules; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

Journal to be k pt.

Ordinances must be approved by the mayor.

30. *And be it enacted*, That every ordinance of the common council and every resolution of the common council affecting the interests of the city shall, before it takes effect, be presented duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve of it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same; and if two thirds of all the members elected shall pass the same, it shall take effect as a law; but in every such case the vote shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid shall be published for the

Proviso.

space of ten days, in at least two newspapers published or circulated in said city, before said ordinance shall go into effect; *provided also*, that no ordinance or by-laws shall be enacted or passed by the said board of councilmen, unless the same shall have been introdnced before the said board of councilmen at a previous stated meeting, and shall have been agreed to by a majority of the board of councilmen. Proviso.

31. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city, for the preservation thereof, or of good order or morality and to bring or cause such person or persons to be brought before the recorder or a justice of the peace, to be dealt with according to law. Councilmen may make arrests.

32. *And be it enacted*, That the said board shall, on the first Monday of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of said city, or to furnish a copy of said statement to every citizen upon his applying for the same. Annual statement of receipts and expenditures to be printed.

33. *And be it enacted*, That a majority of the board of councilmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members; the said board shall hold stated meetings at least twice in each month, at such times and places as they may appoint in said city; but the mayor or any two councilmen may call special meetings, by written notice to each of the members, served personally, or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting. Special meetings may be called.

34. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the board of councilmen; and said board may fill vacancies in office, as provided in this act; that any officer, except the Resignations, &c.

mayor, may be removed from office for cause by resolution of the said board; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; and in cases of any such removal, the ayes and nays shall be entered upon the minutes.

Proviso.

Councilmen shall not be interested in any contract.

35. *And be it enacted*, That all contracts in which said councilmen, or any one of them shall be interested as individuals, either directly or indirectly, or in which any one of them may be surety for the faithful performance thereof, shall be null and void; and no member of said board shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to or competent to hold any other city office or ward office in [the] city of Bayonne, the pay or emoluments of which would come from the city treasury.

Compensation of certain officers.

36. *And be it enacted*, That the board of councilmen shall have power to fix the pay, salary, or compensation of the town clerk, recorder, treasurer, collector of revenue, commissioners of assessments, overseers of the poor, street commissioner, surveyors, constables, poundkeepers, commissioners of appeals, assessors, inspectors of election and policemen; and no other officers elected or appointed under this act shall receive any compensation, and the salary or compensation of any officer or officers which has once been fixed, as aforesaid, shall not be increased during the continuance of his term of office.

Duties to be prescribed by ordinances.

37. *And be it enacted*, That it shall be the duty of said board, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city corporation; and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money, fines, penalties, or from any other source not herein otherwise provided for.

Special powers.

38. *And be it enacted*, That the said board of councilmen shall by their title, "The Mayor and Council of the City of Bayonne," have power to pass, enforce, alter, and repeal ordinances to take effect within said city, for the following purposes, to wit:

To lay out and open streets, &c.

I. To lay out, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading, of

all streets, avenues and roads, side and cross-walks; to ascertain and establish the boundaries of all streets, public alleys and roads in said city; and to authenticate any and all of said improvements by maps or otherwise; *provided*, that such of the powers contained in this section as were conferred by the act entitled "A further supplement to an act entitled 'An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson,'" approved the sixteenth day of March, eighteen hundred and fifty-seven, which supplement was approved April seventh, eighteen hundred and sixty-eight, upon the board of commissioners and township committee, commonly known as the map and grade commissioners, shall continue to be exercised by said commissioners until the expiration of their term of office, and not by the city; and after the expiration of the term of office of said commissioners, the mayor and council shall be vested with all the powers conferred by said act upon said commissioners and township committee, and said bill shall then continue in force except as otherwise changed or modified by the provisions of this act, until repealed or amended by the legislature; Proviso.

II. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads; to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places, and public or private grounds in said city; and to construct and repair receiving basins; To pave streets and construct sewers.

III. To lay sidewalks of flagstone or other materials; to lay out cross-walks of stone; to reset the curbs and gutters in the streets and roads, or any part thereof; To lay sidewalks, &c.

IV. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof, in said city; To lay water and gas pipes.

V. To declare what shall be considered nuisances in streets, roads, lots, and places in said city; to prevent and remove all encroachments, incumbrances, and nuisances in and upon any street, road, sidewalk, lot, or enclosure, place or places in said city; and to provide for the sale or other disposition of such incumbrance in or upon the streets or roads; To abate nuisances.

VI. To secure in every respect, to the public and the adjoining owners, the safe and convenient use of all streets, To secure safe use of streets and public places.

sidewalks and public places, for the purposes for which they are, or may be laid out or dedicated in said city;

To control driving of cattle, &c.

VII. To regulate and control the driving of cattle, mules, or other animals, in droves, through such streets or roads, only, as they shall prescribe;

To regulate building of docks, &c.

VIII. To order and regulate the building of all docks, piers, and wharves, in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state, and of the United States, as to said board may appear proper and necessary; and in the building of any such docks, piers, or wharves, if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same;

To make assessment map.

IX. To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements;

To regulate drainage.

X. To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to which all sewers, drains, receving basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same;

Cattle, sheep and swine.

XI. To prevent horses, cattle, sheep, swine, dogs, goats, geese, and all other animals from running at large, and to provide for the impounding and sale of the same;

To prevent immoderate driving.

XII. To prevent immoderate and fast driving in the streets; cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees;

To quell riots, suppress gaming houses, &c.

XIII. To prevent riots, disturbances, and disorderly assemblages in the streets, or in any house or place in said city; to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes; to suppress vice and immorality;

To license inns and taverns, &c.

XIV. To license and regulate, or prohibit inns or taverns, restaurants and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate, and prohibit hawkers, hucksters, butchers, slaughter-houses and markets, on such terms and under such regulations or penalties as the said board shall by ordinance impose; and no other license for such purpose, within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers;

XV. To prescribe the duties and compensation of all officers herein named, not already fixed by statute; To fix duties and compensation of officers.

XVI. To manage, regulate, control, and protect the finances and property of the city, and all public buildings, and the erecting and maintaining the same; Finances.

XVII. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; to provide a suitable and proper police station and lock-up, and all necessary rooms and cells for the safe keeping of criminals, offenders, or persons under arrest; Night police.

XVIII. To establish, regulate and control a fire department, with power to exempt its members from milita duty in time of peace, and from serving as jurors in courts for the trials of small causes, and the mode of their appointment and removal; to provide fire-engines, apparatus and houses therefor, and for the purpose of guarding against fire and protecting the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, petroleum, fire-works and all other dangerous and combustible articles; to provide water for extinguishing fires, and to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings; Fire department.

XIX. To provide street lamps for, and to light the streets, either by gas or other material; Lighting streets.

XX. To provide health laws, and to establish a board of health. Health laws.

XXI. To prevent the shooting or trapping of birds within the limits of said city; to punish by fine or imprisonment, or both, in the lock-up of said city, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and purposes of said city corporation, and to have and exercise all the powers provided in this act; To prevent shooting or trapping of birds.

XXII. To regulate or prohibit interments within the city, and bathing within adjacent waters; the exhibition of shows, caravans, circuses, or all other like matters, the firing of guns, fire crackers, or other fireworks in said city. To regulate interments, &c.

39. *And be it enacted*, That the board of councilmen may

May provide for expense of paving.

provide by ordinance, that the city shall pay one-third of the expense and cost of paving the streets of said city with "Belgian" block, macadamizing, or with such other substantial material as the property holders on the line of the street may desire; and such payment shall be made out of the proceeds of improvement bonds or stock to be issued by the city, with interest thereon, not to exceed seven per centum per annum, payable semi-annually, to run not less than ten nor more than twenty years.

Fees of city clerk on certiorari.

40. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the board of councilmen, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, or presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

TITLE IV.

OF TAXES AND THEIR COLLECTION.

Collection and raising of tax.

41. *And be it enacted*, That it shall be lawful for the board of councilmen to raise by tax every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, for repairing streets and roads, maintaining the poor, supporting and maintaining public schools, a city prison and lock-up, for contingent expenses, and all other purposes authorized by this act; and that the ordinances directing the raising of said tax shall set forth the amount required for each object; and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other; which tax shall not exceed in any one year fifteen mills on the dollar of the actual valuation of the property assessed, except obligations for war purposes and improvement bonds or stock, and every male resident of said city, over the age of twenty-one years, shall be assessed the sum of one dollar, as a poll tax, to be applied for the purpose of public schools; and said board may borrow such sum or sums of money as may be necessary, and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk; but it shall not be lawful for said board to raise any sum of money by loan unless the repayment thereof shall be pro-

vided for from taxes to be raised in said city in the same year; *provided*, that in all cases where the said board are authorized to make or levy any assessment for any improvement in said city, they shall be authorized to borrow the amount of any such assessment in anticipation thereof. Proviso.

42. *And be it enacted*, That the board of councilmen may establish, by ordinance, certain limits in said city, to be called the lamp district, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed only on property lying within such lamp district; and the assessors shall assess such taxes separately from all other taxes, in the manner aforesaid. Taxes for lighting the streets, how assessed.

43. *And be it enacted*, That all taxes for the purposes of the city shall be assessed by the assessors, in the manner and within the time directed by the laws of this state, and in accordance with the provisions of this act for assessing township, county and state taxes; and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected; and all taxes shall be paid to said collector at his office in said city, upon his giving notice through two daily newspapers circulating in said city, and by notices posted in twenty public places, that such taxes are due and payable. Duties of the assessors and collectors.

44. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents, with the sum due from them respectively, and shall deliver the same to the clerk of the city on or before the thirtieth day of December, in each year, except when said day shall fall on Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the board, at a meeting thereof, held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law; but such collector shall, before he delivers such list Duties of the collector of revenue.

to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or a justice of the peace in said city, that the moneys in said lists mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

Unpaid taxes.

45. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for and shall be the duty of the collector of revenue to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of the city, in like manner, at the same time as he may be required to pay over to said treasurer all taxes by him collected.

Taxes to be and remain a lien.

46. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in the city of Bayonne, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said board for the payment thereof, it shall and may be lawful for the said board to cause such lands, tenements or real estate to be sold at public auction for the shortest term which any person will agree to take the same, and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereon and all costs, charges and expenses, and to execute under the common seal of said city, a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his and their proper use against the owner or owners thereof and all persons claiming under him or them, until his said term shall be completed and ended; but said board shall first have caused said sale to be advertised for at least sixty days in at least two daily newspapers generally circulated in said city, and published in the county of Hudson, or by advertisements put up in at least five public places in said city, or by both; which

advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declarations of sale shall be prima facie evidence in all courts and places of the assessment, advertising and sale; *provided*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person for or on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of the said purchaser, the purchase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said city, then such notice shall be deposited in the post office in said city, directed to him at his last known place of residence, or at the post office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Proviso.

47. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned

Proceedings in case of sale of lands for assessments.

or postponed from time to time, or suspended as said board may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice at least, shall be given as aforesaid of the adjournment of said sale; and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said city to purchase said lands, tenements or real estate, for the use and benefit of the city of Bayonne, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments paid by a mortgage or judgment creditor, shall be a lien on said lands, tenements or real estate, for the amount so paid, with interest at the rate of seven per centum per annum, and said lien shall have the preference over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale; and a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

City clerk to record sales.

48. *And be it enacted*, That it shall be the duty of the city clerk to record in a book, to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

Notice to be given of expiration of time limited for redemption.

49. *And be it enacted*, That it shall be the duty of the board of councilmen to give notice of the expiration of the time limited for the redemption of all lands sold for assessments and taxes as aforesaid, by virtue of this act, by advertise-

ment as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Mortgages to be exempt from taxation.

50. *And be it enacted*, That all real and personal estate in said city shall be liable to taxation, except mortgages on real and personal property therein, which said mortgages shall be exempt from taxation in the hands of any citizen of this state, and the amount of such mortgage shall not be deducted from the value of the taxable property within said city.

Assessment of taxes.

51. *And be it enacted*, That all taxes shall be assessed, levied and collected in said city in the manner prescribed in this act, and no act shall be deemed to repeal or modify this section, unless expressed in such act to apply to the city of Bayonne, by name.

TITLE V.

OF COMMISSIONERS OF STREET IMPROVEMENTS.

Commissioners of street improvements to be appointed.

52. *And be it enacted*, That it shall be lawful, and shall be the duty of the board of councilmen to appoint three persons, who shall be residents of different wards, and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as provided in title II of this act; in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the board of councilmen shall appoint some discreet and impartial freeholder or freeholders, residing in said city, to serve with said board of commissioners and assessments in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein required.

Powers of the commissioners.

53. *And be it enacted*, That said board of commissioners for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the board of councilmen under the control of the mayor and council of said city; but this act shall not affect any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed under acts relating to street improvements in Bayonne township, and all such proceedings heretofore referred shall be conducted and

concluded by the commissioners to whom the same have been referred, the same as if this act had not been passed.

Notice of time and place of meeting to be given.

54. *And be it enacted*, That all acts required by this act to be done by said commissioners of assessments shall be valid and effectual if the same are done by a majority of them; but each commissioner of assessment shall be notified of the time and place of meeting to consider the subject.

ARTICLE VI.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Ordinances in relation to sewers, streets &c.

55. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to open, grade, pave, curb, gutter, fill up, re-fill, macadamize, lay side and cross-walks in any street, road or avenue, or any part thereof, in said city; to build sewers, drains and receiving basins in and upon any street, road or avenue in said city, or any part thereof, on application in writing to said board of councilmen; and all such applications shall be advertised by the board of councilmen in two of the Hudson county daily newspapers, circulating in said city, for ten days at least before the ordinance is passed to carry out the same; which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated costs upon the lands and real estate benefited, in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him in two of the Hudson county daily newspapers circulating in said city, and by five notices put up on the line of said improvement.

Survey and map to be made.

Proceedings in case of a remonstrance.

56. *And be it enacted*, That unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands in lineal feet

to be assessed for such improvement shall file with the clerk of the city, a remonstrance signed by them or their agents, lawfully authorized; said board of councilmen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners for such improvements, in case such majority of owners remonstrate against the same; and the board of councilmen shall make regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper, by resolution or otherwise; and the said board may refer back said report and map to said commissioners of assessments for alterations or corrections in matters of form or substance, when they deem the same necessary.

How cost of improvement shall be determined.

57. *And be it enacted*, That all expenses and costs of proceedings for improvements in opening, grading, paving, curbing, guttering, filling up, re-filling, macadamizing, laying side or cross-walks, sewering, draining and building receiving basins in or upon any street, road or avenue in said city, or any part thereof, when the same shall be completed, shall be assessed by the commissioners of assessments upon and be paid by the lands and real estate benefited by the improvement so applied for, in proportion to the benefit received by said lands and real estate; and the said commissioners of assessment shall determine and report in writing to the board of councilmen, what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed, and the name of the owner or owners thereof; which report and map shall be filed in the office of the city clerk; whereupon said clerk shall cause to be inserted in at least two of the Hudson county daily newspapers circulating in said city, for at least ten days, a notice of filing of said report; and he shall also put up five notices on the line of said improvement in said city, and that the board of councilmen, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment and to receive and consider all objections thereto, which may be presented in writing.

Proceedings under confirmation of assessment.

58. *And be it enacted*, That if said board of councilmen shall by resolution confirm said assessment, it shall constitute

a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of a general ordinance made by said board for the collection of assessments; and the said board shall have power to return said map and report for correction, in matters of form and substance, before confirming the same: and in such cases the said commissioners of assessments shall have power to correct the same, and re-file it with the city clerk within ten days after it shall have been so referred back to them; and if the persons assessed neglect to pay to the collector of revenue upon written notice of the confirmation of the assessment the said board may proceed to enforce the lien as prescribed under Title IV. of this act; and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof, it shall be lawful for said board to charge, receive and collect, in addition to the amount of said assessment, interest thereon, at the rate of twelve per centum per annum, from the time of the confirmation of such assessment until the same is paid.

Width of streets and avenues to be laid out or opened.

59. *And be it enacted*, That all streets, roads or avenues to be laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty, nor more than one hundred feet in width; the sidewalks upon either side of any street, road or avenue shall occupy one-fifth of the whole width of said street, road or avenue, and no stoop or step shall project nor enclosed area extend beyond the line of said street, road or avenue; and said board shall have power, by ordinance, to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or road in said city; but no lands shall be taken for the laying out, opening, widening or alteration of any street, road or avenue, without allowing or paying to the owner or owners thereof, the fair value of the lands taken, and the improvements and buildings thereon, and the damage done to any district, lot or parcel of land or tenement by taking any part of it for that purpose.

Damages and benefits, how assessed.

60. *And be it enacted*, That the valuation of such lands in the last section mentioned, or damages by taking the same shall be a part of the cost and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as

provided in Title IV of this act; in case any dwelling or other building may be required to be removed for the purpose of said improvement, and such dwelling or other building shall not be removed by the owners, then it shall be sold at public auction and removed, by resolution of said board, and the proceeds of such sale or sales, after paying the expenses thereof, shall be provided pro rata among all persons assessed for said improvement, under such regulations as said board may deem just and proper.

Proceedings thereon.

61. *And be it enacted*, That the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands; and the commissioners of assessment shall include in their preliminary and final report, the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, the commissioners shall in their report apportion such value and damages between them; and in case any lands assessed as aforesaid, or for any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments or taxes, or the same be made by a sale of his interest in said lands, said tenant or tenants, or his or their legal representatives shall, at the termination of his or their estate, be repaid such principal sum, as well as the appraised value of all improvements made thereon by said tenant, by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have a priority over all other incumbrances.

Proceedings in case of non-resident.

62. *And be it enacted*, That upon completing the report aforesaid of the commissioners of assessments, assessing the value of the lands so taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such assessment due

him; but if such owner is not a resident of the said city, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if, for any other lawful cause he is incapacitated to receive the same, or if said owner will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the city clerk, and the board of councilmen shall, after inquiry into the facts of the case, by resolution, direct the amount of such assessment to be placed either in the city treasury or some bank for the use of the person to whom it may be due; and upon filing such receipt of the owner, or the passing of such resolution by said board of councilmen, the said lands shall be vested in the said city of Bayonne, and the city officers may proceed with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled thereto on demand, without interest, except from such time as a demand therefor may be made and payment refused.

Street crossings and carriage ways may be repaired under contract.

63. *And be it enacted*, That the board of councilmen may, by resolution passed at any meeting, direct any repairs in the carriage-ways or cross-walks of any street, road or avenue, within said city, whenever they shall deem such repairs necessary; in cases where such repairs or improvements are not applied for in the manner prescribed by this title, such repairs shall be made by contract or otherwise, as said board may direct, shall be superintended by the commissioner of streets, and shall be paid for by said board, upon their approval of the work, out of the moneys raised by tax for repairs of streets; and that all repairs of sidewalks, and curbs and gutters shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the commissioner of streets; and if said owner or owners shall be non-residents of said city, it shall be sufficient for the commissioner of streets to post such notice upon or near the lot or lots in front of which the sidewalk and curb and gutter, may require to be repaired or re-laid; and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the commissioner of streets to cause the same to be made; the costs and expenses for repairing and relaying, as aforesaid, shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and

shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

Establishment of grades.

64. *And be it enacted*, That the grade of any street, road or avenue, when established as provided in this act, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon the application to said board of councilmen by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage, which shall be ascertained and determined by the commissioners of assessment making such assessment; and the costs and expenses of establishing and authenticating such grade shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the extent as other assessments in this act provided.

Owner of land not to be assessed for drainage.

65. *And be it enacted*, That when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the board of councilmen as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land fronting on such sewer or drain heretofore made shall not be assessed for the same.

May improve streets and roads.

66. *And be it enacted*, That the board of councilmen are hereby empowered to cause all or any of the improvements authorized by this act to be made in any of the streets, roads or avenues, whether the same is used as a plank road, railroad or otherwise, (except so far as such improvements may interfere with the corporate rights of such plank road or railroad,) in and upon all streets, roads or avenues, that have been or shall hereafter be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city; and the said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said city.

Petitions for improvements

67. *And be it enacted*, That the petition filed praying for any improvement contemplated by this act, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue; but the commis-

sioners of assessment shall return a distinct map and report, for each of said improvements embraced in said petition or ordinance.

Owners of land may open streets, &c., under the direction of councilmen.

68. *And be it enacted*, That in all cases where streets or avenues are ordered to be opened, graded or paved, or where side or cross-walks are ordered to be made, the owners of property on the line thereof, may open and grade and pave, or lay side or cross-walks at their own expense, but in the manner directed by the board of councilmen; *provided*, they do the same within a reasonable time to be fixed by said board, otherwise said improvement shall be done by the city in the manner provided in this act.

TITLE VII.

MISCELLANEOUS PROVISONS.

Acts of township committee to remain in force.

69. *And be it enacted*, That all acts of the township committee of the township of Bayonne that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as is not inconsistent with this act, shall be and continue in force, until altered or repealed by the board of councilmen hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities of the township of Bayonne heretofore legally given, made or entered into, for any purpose whatever.

Township debts and claims, how collected.

70. *And be it enacted*, That all debts, claims, taxes and assessments due to the township of Bayonne, when this act takes effect, shall and may be collected by the mayor and council of the city of Bayonne, for the use and benefit of the corporation by this act created, and in the manner provided herein for the collection thereof.

Township officers, their powers and duties.

71. *And be it enacted*, That all officers of the township of Bayonne, now performing duty as such, shall be continued as the officers of the city hereby created, until the end of the term of their election or appointment, and they shall respectively have and exercise all the powers and duties herein prescribed, subject in all things to the provisions of this act, unless otherwise provided for in this act.

Inhabitants not incompetent as witnesses or jurors.

72. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation, to which issue or investigation the city of Bayonne is a party, or in which said city

is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant thereof.

Firemen to be exempt from jury and militia duty.

73. *And be it enacted*, That the firemen hereafter regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service; and after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection; and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof; but no fireman of the city shall be exempted from jury duty unless he actually performs all the duties of a fireman in his company; and to entitle him to such exemption, he shall present to the board of councilmen a certificate of the foreman, or other chief officer of his company, that he is a faithful and acting member thereof.

Mayor and council empowered to issue bonds.

74. *And be it enacted*, That the mayor and council are hereby authorized and empowered, for the purpose of purchasing sites for parks, markets, school houses, public buildings and wharfs in said city, and for the purpose of erecting suitable buildings thereon, in addition to the powers conferred by "A further supplement to an act entitled 'An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township, south of the Morris canal, in the county of Hudson,'" approved the sixteenth day of March, eighteen hundred and fifty-seven, which said supplement was approved April seventh, eighteen hundred and sixty-eight, to issue in the name of the mayor and council of the city of Bayonne, coupon bonds to be denominated on the face thereof, "City of Bayonne Bonds," to an amount not to exceed one hundred thousand dollars, bearing interest at the rate of not over seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the dates thereof, and the said bonds may be sold at public or private sale, at not less than the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and col-

lect annually, a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes.

Record to be made of bonds issued.

75. *And be it enacted*, That all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city; the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer; all moneys received from the sale, or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out in said city.

Conveyances, how made.

76. *And be it enacted*, That whenever it shall be necessary for said city to make any conveyance of real estate, said conveyance shall be signed and executed under the seal of the city, by the mayor, and by the city clerk, and the latter shall keep an accurate record of such conveyances.

TITLE VIII.

BOARD OF EDUCATION.

Board of education to have control of schools.

77. *And be it enacted*, That the school trustees of said city shall constitute and be called the board of education of the city of Bayonne; they shall annually elect a president from their own body, and in his absence a president pro tempore, appoint the times and places of meeting, and determine the rules of their own proceedings; they shall also appoint a secretary, who shall keep a journal of their proceedings and perform such other duties as the board may prescribe; a majority of the board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole board; the president of the board shall have power to call special meetings whenever he shall deem it expedient; that the said board shall prepare and transmit to the city council, on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall

specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and all moneys appropriated by said city council for the support of public schools, as well as other taxes or money devoted to that object, shall be expended by said board of education for the support of public schools in the city of Bayonne; that said board of education shall take charge of the public school houses in said city, and shall cause all necessary repairs to be made to the same; and they are also empowered to establish schools of different grades adapted to the age and progress of pupils, including evening schools for apprentices; to select and employ teachers, to provide school books, furniture and school libraries, to purchase stoves and fuel and incur such incidental expenses for the maintenance of the schools as may be necessary; to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools and the government and studies to be pursued therein; and the board of education shall have power to purchase real estate for school purposes, and to erect buildings thereon when appropriations for those purposes are made by the mayor and council of said city, and the real estate so purchased shall be vested in said city of Bayonne; and all moneys so appropriated shall be expended by the board of education, in compliance with the laws of the state; and the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, and the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs to school houses, salaries of teachers, school books, furniture and libraries, stoves and fuel, and incidental expenses, and shall transmit the annual report to the city council, and a copy thereof to the county superintendent of common schools; and the treasurer of said city of Bayonne shall credit said board of education with the sum or sums of money appropriated for the support of public schools in said city; and it shall be the duty of the said treasurer to enter on his books the sums so appropriated under the respective heads to which the same may be appropriated; and the treasurer of said city shall, to the extent of said

Powers of the board and its officers.

appropriations, pay on presentation all drafts drawn upon him by order of said board of education and duly attested by the signatures of the president and secretary, for the time being, of said board, which drafts shall specify from which appropriation the same is to be paid; and all suits or proceedings brought against any person or persons or body corporate, for damages or injury to any school house, or outbuildings, fences, trees or other improvements, or to any furniture or school books in any school under the charge of said board, shall be in the name of the treasurer of said city, and all damages received in such actions shall be paid into the city treasury, and shall be credited to the school fund of said city; and it shall be the duty of the assessors of the several wards of said city to make out a list of the children capable of attending school between the ages of five and eighteen years within each of the wards, specifying the age of each child, with their names and the names of their parents or guardians, and to transmit the same under proper certificate, on or before the first day of October, annually, to the secretary of the board of education, and the sum of one dollar for every one hundred names of children contained in said lists respectively, shall be allowed to the assessors duly making and transmitting the same; and the city of Bayonne shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended by the board of education for the support of public schools in said city.

Repealer.

78. *And be it enacted*, That all laws and parts of laws relating to the township of Bayonne, inconsistent with the provisions of this act be, and the same are hereby repealed; but this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues which the township of Bayonne, or any person or persons is or are entitled to by virtue thereof.

Special election to be held

79. *And be it enacted*, That the legislature may at any time hereafter amend or repeal this act; and that this act before going into effect shall be submitted to the legal voters of said township, at a special election to be held in said township, of which five days' notice by the township committee shall be given by handbills printed and posted in the most public places in said township; and should the said legal voters determine by a majority of the votes cast on

written or printed ballots "for charter," their acceptance of said charter, then this act to be in full force and effect, otherwise it shall be void and of no effect.

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

Approved March 10, 1869.

CHAPTER CXLVIII.

An Act to incorporate the Englewood Dock and Turnpike Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William B. Dana, Charles Newcomb, George S. Coe, John S. Lyle, Henry Sheldon, Nathan T. Johnson and Robert Bayles be and hereby are constituted a corporation, with all corporate powers, for the object and purpose of building a dock and turnpike on and upon their property, situate at and fronting the Hudson river, at or near Englewood, in the township of Hackensack, Bergen county.

May build dock or docks.

2. *And be it enacted*, That said company are hereby empowered to build a dock, or one or more docks, in front of their said premises, keeping the bulkhead within the bulkhead line, and the pier or piers within the pier line, as recommended by the riparian commissioners of the state of New Jersey, and within such lines in respect thereof as may be established by law, and in such manner as not to obstruct the navigation of the Hudson river.

May build turnpike road.

3. *And be it enacted*, That the said company is also empowered to build over any lands belonging to them, from said dock, a turnpike or roadway to the summit of the Palisades, to connect with the Palisade avenue, or with any other avenue and communication at or near said turnpike, and to hold the said dock and said road as a private dock and road, or to throw the same open to the public upon the payment of such

tolls for said dock and road, and upon such regulations as they shall deem expedient.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to said company to increase the same to a sum not exceeding twenty thousand dollars, and shall be divided into shares of one hundred dollars each.

Proceedings, how regulated

5. *And be it enacted*, That the time and manner of raising said capital and building said dock and turnpike, shall be as said corporators, or a majority thereof, shall agree; and the proceedings of such corporation shall be by such regulations as said incorporators shall, by majority, establish.

General powers.

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

Rights of the state not to be impaired.

7. *And be it enacted*, That nothing in this act shall impair the right of the state to the lands now under water belonging to the state.

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

Approved March 16, 1869.

CHAPTER CXLIX.

An Act to establish the Will of William Jones, deceased.

Preamble.

WHEREAS, William Jones, late of New York city, by his will, dated February fifth, in the year of our Lord, one thousand eight hundred and forty-two, after directing the payment of his debts, gave all his property, real and personal, to his wife Margaret Jones, and made her his sole executrix, and shortly after departed this life, leaving his said wife him surviving, but leaving no children or other relatives in this country, so far as known; and whereas,

the said Jones, at the time of his decease, was the owner of some real estate in Essex county, in this state, which his said wife, after his death, as his devisee, sold to bona fide purchasers thereof; and whereas, the said will was attested by only two witnesses, which, although sufficient to pass real estate in New York, at the date thereof was not sufficient to pass real estate in New Jersey, for which technical defect the title of the said purchasers is defective; therefore,

Will made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said will of William Jones shall be deemed as valid and effectual to pass real estate in this state as if the same had been attested by three witnesses, instead of only two.

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

Approved March 16, 1869.

CHAPTER CL.

A Supplement to the act entitled "An Act to incorporate the Montclair Railway Company."

Preamble.

WHEREAS, The Montclair Railway Company by the charter thereof is empowered to extend its railway into the township of Wayne, in the county of Passaic; and whereas, it is represented to the legislature that the inhabitants of the township of West Milford, in said county, desire railway facilities from said company; therefore,

May extend railway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Montclair Railway Company be and is hereby authorized and empowered to extend its railway from any point thereon, to any point in the township of West Milford.

Statement of costs and expenses to be made and filed

2. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation, the president of the said company, shall file under oath or affirmation, a statement of the

amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday of January of each year; he shall, under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages and expenses, of said road, and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships, provided that no other impost shall be levied or assessed upon said company.

Repealer.

3. *And be it enacted*, That section fourteenth of the act entitled "An Act to incorporate the Montclair Railway Company," approved March eighteenth, eighteen hundred and sixty-seven, be and the same is hereby repealed.

Act how to be construed in relation to bonds.

4. *And be it enacted*, That that this act shall not be construed as extending the operation of the act entitled "An Act to authorize certain townships, towns and cities to issue bonds and to take the bonds of the Montclair Railway Company," approved April ninth, eighteen hundred and sixty-eight, to any township, town or city through, or to which the said railway was not authorized to be made before the passage of this act.

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

Approved March 16, 1869.

CHAPTER CLI.

Supplement to an act entitled "An Act concerning Inns and Taverns," approved April seventeenth, one thousand eight hundred and forty-six.

Sale of wines or other liquors from wagons or other vehicles prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons to sell or expose for sale any spirituous, vinous, fermented or other intoxicating liquors, in any quantity whatever, in or from any wagon, carriage, sleigh or other ambulatory conveyance whatever; and any person offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty dollars for each offence, together with the costs of the prosecution.

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

Approved March 16, 1869.

CHAPTER CLII.

An Act more particularly to define the duties and powers of the Trustees of School District Number One, Plainfield.

General powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number one, Plainfield, in addition to the powers and duties given them by the acts, parts of acts, and amendments thereto heretofore passed, shall have the general powers and duties of a board of education for said district, to wit: to elect a president and secretary, to make by-laws for their own government, to examine, license and employ teachers and determine their compensation, to make and enforce rules and

regulations for the government of the schools under their charge, and to have the supervision and control of all matters relating to the public schools of said district; it shall be their duty to collect and prepare such statistics as may be required by the state school law for the use of the state superintendent of schools, to be reported to him annually before the first day of October.

Moneys collected for school purposes to be deposited in bank.

2. *And be it enacted*, That all moneys assessed and collected from the township and district for school purposes, under general or special laws relating to the same, all moneys appropriated from the state school fund and state revenue, as well as receipts from all sources, shall be deposited in the first national bank of Plainfield, or in such other bank as said trustees may determine, to the credit of the trustees of district number one, Plainfield, certificates of which deposits shall exonerate the township collector from all further liability as to the funds so deposited; said moneys shall be paid out only on drafts by the secretary, countersigned by the president, to the order of the person entitled to receive the same, which drafts shall specify the object for which they were given.

Annual report to be published.

3. *And be it enacted*, That the said board of trustees shall cause to be published, three weeks before the annual town meeting, a full report of the schools under their charge, with the items of expense under appropriate heads, and such other information relating thereto as they may deem proper.

Repealer.

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

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

Approved March 16, 1869.

CHAPTER CLIII.

An Act to create a Fourth Ward in the City of Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a Fourth Ward be and the same is hereby created and erected in the city of Hoboken, to be composed of all that part of the First Ward in said city, lying west of the centre line of Willow street in said city. Limits of the fourth ward.

2. *And be it enacted*, That the said Fourth Ward shall be entitled to the same representation in the council of said city, and to all the other rights and privileges of the other wards in said city, Rights and privileges.

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

Approved March 16, 1869.

CHAPTER CLIV.

An Act to incorporate the Union Hall Association of Rockaway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Barnabas K. Stickle, J. Mills Mattox, Stephen B. Cooper, John B. Lonsbury, Robert Richards, Samuel Tippet, Jacob P. Stickle, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of "The Union Hall Association of Rockaway," and by that name shall have power to lease or purchase and hold real Corporators

Name and object.

estate in Rockaway, Morris county, state of New Jersey, and erect thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts, exhibitions and for other public uses subject to the by-laws and regulations of said corporation.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of five thousand dollars, with the liberty to increase the same hereafter, whenever a majority of the directors of the said corporation shall so determine, to any sum not exceeding ten thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five dollars each, and shall be transferred in such manner as the by-laws of said corporation shall direct; and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders.

Commissioners to receive subscriptions to capital stock.

4. *And be it enacted*, That the said Barnabas K. Stickle, J. Mills Mattox, Stephen B. Cooper, John B. Lonsbury, Robert Richards, Samuel Tippet and Jacob P. Stickle shall be and are hereby appointed commissioners to open the books and receive subscriptions of the stock in said corporation, and shall meet for that purpose in the village of Rockaway, after giving due notice of the time and place of such meeting; and the said Barnabas K. Stickle, J. Mills Mattox, Stephen B. Cooper, John B. Lonsbury, Robert Richards, Samuel Tippet and Jacob P. Stickle shall be and are hereby appointed the first board of directors for said corporation, to hold their office for one year from the time of organizing the same and until others shall be elected by the stockholders to fill their places.

First directors

Election of directors.

5. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall direct, and shall not be less than five in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Capital stock not to be withdrawn.

6. *And be it enacted*, That no part of said capital stock, at any time or in any manner or under any pretence whatever, shall be withdrawn from the legitimate business of said corporation or refunded to the stockholders until all debts and liabilities of the said corporation are duly paid.

7. *And be it enacted*, That the whole amount of debts

which the said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for and paid in. Debt not to exceed capital stock.

8. *And be it enacted*, That annually, in the month of January, the directors shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against such corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, which, with said statement, shall be verified by the affidavit of the directors, and no dividends shall be paid to the stockholders except only from and out of the surplus profits arising from the business of the corporation. Annual statement.

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

Approved March 16, 1869.

CHAPTER CLV.

A Further Supplement to the act entitled "An Act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

WHEREAS, the religious society of women incorporated by the name of "The Sisters of Charity of Saint Elizabeth," hold certain real and personal property in this state, and may acquire other such property, which, in view of the benevolent purposes and objects of that society, ought to be exempted from taxation equally with property of other associations and corporations, religious and benevolent, in this state, which is now exempted from taxation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property, real and personal, of the said "The Sisters of Charity of Saint Elizabeth," in this state, shall be exempt from assessment and from taxation. Property free from taxes and assessments.

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

Approved March 16, 1869.

CHAPTER CLVI.

A Further Supplement to an act entitled "An Act to incorporate the Plainfield Fire Department," approved March third, eighteen hundred and fifty-four.

Amount of capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said corporation shall not in the aggregate exceed the sum of twenty thousand dollars, and that it shall not be lawful to raise in any one year for any and all the purposes mentioned in this act, or the act to which this is a supplement, a sum exceeding four thousand dollars.

May borrow money and issue bonds.

2. *And be it enacted*, That the said corporation are hereby authorized to borrow the sum of eighteen thousand dollars, and to issue bonds for the same under their corporate name and seal, for the purpose of funding their present indebtedness and providing a lot and an additional building or buildings for their fire apparatus and putting down additional fire wells, which said bonds shall be issued in sums of five hundred dollars each, to be sold at par, with interest at the rate of seven per centum per annum payable annually, four of which bonds shall be payable in one year from the date of their issue, and four of said bonds shall annually thereafter become due and be paid with the interest, as above provided, at maturity.

Amount of money which shall be raised in each year, how assessed and collected.

3. *And be it enacted*, That the amount of money as thus required by section second of this act to be paid annually, being two thousand dollars and interest, and the interest on the said bonds which shall not have matured, shall be added annually to the amount voted to be raised for other purposes by the members of said corporation according to the act to which this act is a supplement, said two amounts not to ex-

ceed in any year the aforesaid sum of four thousand dollars; and said aggregate amount of money shall be assessed, collected and paid in the manner prescribed in the act to which this act is a supplement, for assessing and collecting money in said fire district until all the bonds authorized by this act shall be fully paid.

Election of board of managers.

4. *And be it enacted*, That the members of said corporation shall, at the next annual election, elect from the residents of said corporation six citizens to be a board of managers, said managers shall hold the said office respectively for the terms following, to wit: two for one year, two for two years, and two for three years, and at the expiration of each term respectively, two successors shall be elected as provided in the original act, who shall hold said office for the term of three years; vacancies in said office shall be filled by appointments by the remaining members of said board of managers for the unexpired term of such officer or officers.

Terms of office

5. *And be it enacted*, That immediately after the election of such board of managers they shall meet to determine by lot which of such managers shall hold such office for each of the respective terms of one, two and three years, at which time they shall elect one of the said managers to be president, and appoint a secretary and treasurer, whereupon they shall have and possess all the power and authority conferred by the original act; four of said managers shall constitute a quorum for the transaction of business, but the surviving members may at any time fill a vacancy as provided in the second section of this act.

Repealer.

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

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

Approved March 16, 1869.

CHAPTER CLVII.

An Act to renew the charter of the Mendham and Chester Railroad Company, approved March the twenty-second, eighteen hundred and sixty, and a supplement thereto.

Charter extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An Act to incorporate the Mendham and Chester Railroad Company," approved March the twenty-second, in the year eighteen hundred and sixty, shall be and the same is hereby renewed, extended and continued in force.

May connect with other railroads.

2. *And be it enacted*, That the said railroad company may connect with any other railroad now built or hereafter to be built, by a connecting line not exceeding twelve miles in length, and may connect at Morristown with any railroad now built or hereafter to be built; and the right of way and all other rights and privileges necessary to construct and operate said connecting line, shall be obtained in the manner, and subject to all the restrictions specified in the original charter of the Mendham and Chester Railroad Company.

May increase capital stock.

3. *And be it enacted*, That the said Mendham and Chester Railroad Company may increase its capital stock to an amount not exceeding the cost of said railroad, its appurtenances and connecting line; and the said company shall have the power, and is hereby authorized to make its bonds bearing interest, not to exceed seven per centum per annum, and for the purpose of securing their payment, to mortgage its real estate and personal property, railway, and all the appurtenances, franchises, powers and privileges and rights belonging thereto which it may possess under its act of incorporation and this supplemental act, to such an amount as it may deem expedient; and to sell or negotiate the same at such a rate or prices as it may deem for the best interest of the company, without invalidation thereof by virtue of any statute of this state, not to exceed seven per centum per annum; and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity; and the purchaser or purchasers, under a decree in equity or foreclosure founded upon any such bond and mortgage, shall be invested with all

the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by said company under or by virtue of its act of incorporation and any supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

4. *And be it enacted*, That the said railroad shall be commenced within five years, and at least eight miles thereof shall be completed within ten years after the passage of this act, otherwise the charter shall be null and void. Limitation.

5. *And be it enacted*, That so much of the charter of the Mendham and Chester Railroad Company as is contrary to or inconsistent with the provisions of this supplement, be and the same is hereby repealed, and this act shall take effect immediately. Repealer.

6. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road; and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships, provided that no other tax or impost shall be levied or assessed upon said company. President must file statement of cost of railroad.

Approved March 16, 1869.

CHAPTER CLVIII.

A Supplement to "An Act to authorize certain towns in the counties of Somerset, Morris, Essex, and Union, to issue bonds and take stock in the Passaic Valley and Peapack Railroad Company," approved April ninth, eighteen hundred and sixty-eight.

Preamble

WHEREAS, the route of the said railroad having been changed and located in a direction not contemplated in said act; therefore,

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the said act as applies to the townships of Passaic and Morris, in the county of Morris, be and the same is hereby repealed.

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

Approved March 16, 1869.

CHAPTER CLIX.

An Act incorporating the National Stock Yard Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Allerton, Jeremiah B. Cleveland, Archibald M. Allerton, William C. Moore, Delos E. Culver, John W. Sterling and William A. Schomp, and such other persons as now are or may hereafter become associated with them, are hereby constituted a corporation by the

Name.

name of "The National Stock Yard Company."

Object.

2. *And be it enacted*, That the principal business of the said corporation shall be the maintenance of yards and buildings for the keeping and accommodation of live stock, and generally taking care of, buying and selling or slaughtering

animals, and manufacturing portions of the same into articles of commerce.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase and lease such real and personal estate as it may deem proper, for its purposes in this and other states; *provided*, the same shall be situated outside of the limits of Jersey City and the cities of Bergen and Hoboken. May hold real and personal estate. Proviso.

4. *And be it enacted*, That the capital stock of the said company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and the said company may issue such portion of its stock as it may deem proper in payment for real and personal property, and the said corporation may hereafter by a vote of two-thirds of its shareholders, increase its capital stock from time to time, but such capital stock shall never exceed the sum of two million dollars. Amount of capital stock.

5. *And be it enacted*, That the affairs of said company shall be managed by seven directors, a majority of whom shall be residents of the state of New Jersey, the seven persons named in the first section to constitute the first board of directors, and said directors shall be elected by the shareholders annually thereafter, each share entitling the holder to one vote, and they shall hold office until their successors are elected; an annual election for directors shall be held on the second Tuesday of January in each year, but if for any reason such election shall fail to be held, it may be held at any time thereafter, by publication of a notice of said election for twenty days by order of the directors; the board of directors shall elect from their number a president, a vice president, a treasurer, and an executive committee, with such powers and duties as the by-laws may prescribe, and may appoint such other officers and agents as they may deem proper, they may fill vacancies in their number until the ensuing election; they shall also make by-laws for the corporation, and may add to or alter them from time to time. Directors, how elected, and their powers.

6. *And be it enacted*, That the meetings of the said corporation may be held in this state, its principal office shall be in Jersey City, Hudson county in this state. Place of business, &c.

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

Approved March 16, 1869.

CHAPTER CLX.

An Act to incorporate the Honey Brook and Sugar Creek Wharf and Coal Company.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they hereby are created and made a corporation and body politic, in fact and in law, under the name of the "Sugar Creek Wharf and Coal Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock shall consist of one thousand shares of one hundred dollars each, with liberty to increase the same to five thousand shares of one hundred dollars each, transferable in such manner as the said corporation shall direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That John B. Norton and Edward Gulager be and they hereby are appointed commissioners to receive subscriptions to the capital stock of said corporation, and they, or either of them, shall open books of subscription to such stock, at the city of Elizabeth, in the county of Union, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Election of directors.

4. *And be it enacted*, That when the capital stock of said corporation to the amount of fifty thousand dollars par value, shall be subscribed and ten per centum thereof paid in, the said commissioners shall close the books, and hold an election for directors of said corporation, first giving notice of such election one week previously in a newspaper published at Elizabeth; that five directors shall be elected by ballot at such election, by the stockholders, each of whom shall, at such election, and all subsequent elections, have one vote for every share of stock owned by him; that said five directors shall constitute the first board of directors, and the same number, or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards; and in case of a vacancy occurring in the board, between the elections, the remaining directors shall have power to fill the vacancy; that

the directors so elected shall hold their offices for one year, and until their successors shall be elected.

Election of president.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall determine.

Failure to elect not to dissolve.

6. *And be it enacted*, That the said commissioners shall deliver to said board of directors when elected the subscription books of said corporation, and all moneys received by them for such subscriptions; the said directors shall by their by-laws appoint an annual election for directors, but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Stock may be forfeited on failure to pay installments.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital, and for any assessment thereon; and in case of any failure to pay such subscriptions to original or increased capital stock, or to pay any assessment at such time as they may appoint, the said board may, after four weeks' notice in a newspaper published in the county of Union, declare said stock, and all previous payments thereon, forfeited to the corporation; and such stock and all previous payments thereon, and all rights to the same shall be forfeited and belong to said corporation.

How dissolved

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest at a meeting called for that express purpose, by a notice published once a week for four successive weeks in a newspaper published in the county of Union; and upon such dissolution, the directors, or such persons as the stockholders shall appoint, shall be trustees, and as such shall have full power to realize, sell and convey, and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders pro rata.

May hold, sell, and convey property.

9. *And be it enacted*, That the said corporation shall have power to tranship, transport, manufacture and deal in coal, lumber, iron and other materials, and to mine coal, iron and other ores, and for such purposes to buy and hold, sell and convey, lease and mortgage the necessary real and personal property.

10. *And be it enacted*, That the said corporation shall have

May construct and maintain a railroad.

the right and power to survey, lay out and construct a railroad, not to exceed forty feet in width and not more than three miles long from the wharf property at Elizabethport, conveyed to Samuel Bonnell, junior, by Edgar Pierson, sheriff, &c., by deed dated August twenty-second, eighteen hundred and sixty-eight, to connect with any other railroad, and to take and hold what lands may be necessary for such purposes; and said corporation, by its officers, agents and servants may enter upon all lands necessary to enable it to survey and lay out said road, they doing no unnecessary damage to private property; and after they shall have obtained by voluntary agreement the right and title to or use of the necessary lands, or in case of their failure to make with the owners or parties in interest a voluntary agreement, then after they shall have obtained such right, title and use in the manner hereinafter provided, it shall be lawful for the said corporation, and they are hereby fully empowered to construct,

Proviso.

maintain, work and use the said road; *provided*, that nothing in this act shall be construed as a grant to said company of lands lying under water belonging to the state.

Proceedings when company and owners cannot agree.

11. *And be it enacted*, That if the said corporation cannot agree with the owners of any such required lands, or the parties interested therein, for the use or purchase thereof, or in case the owners or parties interested shall refuse or neglect to accept or act upon an offer of the said corporation to submit to the arbitration of three residents and freeholders of the county of Union, the value of said required lands, and the damage done by the location and construction of said railroad over the same, one arbitrator to be named by the corporation, one by the owner or owners of said lands, and the two thus chosen to select a third, the decision of a majority of whom to be conclusive and binding upon both parties; or if by reason of the legal incapacity or absence of such owners or owner, no such agreement can be made, a particular description of the lands so required for the use of the said corporation in the construction of the said road, and impossible to be obtained by the means or by the reason of the disabilities aforesaid, shall be given in writing under oath or affirmation of some engineer or proper agent of said corporation, and also the name or names of the said occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause

the said corporation to give notice thereof to the person or persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county of Union, in this state, commissioners to examine and appraise the said lands and assess the price or value of the same, and the damages sustained by the owner thereof, and such notice of the sitting of such commissioners not less than ten days shall be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of commissioners, and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of the damages thereto, which shall be paid by the corporation for such land and damages aforesaid, which report shall be in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said corporation to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such fees, costs and expenses to the justice, commissioners and clerks, and other persons performing any of the duties prescribed in this section, as he shall think

equitable and just, and order and direct the same to be paid by said corporation.

Proceedings in case the company or owners are dissatisfied with report.

12. *And be it enacted*, That in case the corporation or the owner or owners of the lands shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained as aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the corporation shall have offered or the said commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the jury or execution awarded therefor, as the court shall direct; but such application shall not prevent the corporation from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability or residing out of the state, the same being first paid into the court of chancery.

Bridges to be kept in repair.

13. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient passages over said railroad where any street, public road or other road, now in use or hereafter shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; *and further*, that for all injuries and damages to property, real or personal, of any person by reason of the neglect, carelessness, intent or act of the said corporation, their agents or employees, the said corporation shall become and be responsible therefor and liable

to pay the same, to be recovered in any court of record of competent jurisdiction in this state.

Penalty for injuring road or works.

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

Proceedings in case of mistake or error in title to lands

15. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road hereby authorized, the title to such lands shall fail, or it shall appear that the title to lands necessary for said roads has not by any reason been acquired, then it shall be lawful for the said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

May enter into contracts with other companies.

16. *And be it enacted*, That it shall be lawful for the said corporation to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

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

Approved March 16, 1869.

CHAPTER CLXI.

A Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five, and its several supplements, approved February seventh, eighteen hundred and sixty-seven, and April ninth, eighteen hundred and sixty-eight.

May issue bonds and secure the same by a mortgage

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Passaic Valley

and Peapack Railroad Company shall have the power and is hereby authorized to make its bonds, and for the purpose of securing their payment, to mortgage its real estate and personal property, railway and all the appurtenances, franchises, powers and privileges and rights belonging thereto, which it may possess under its act of incorporation and this supplemental act, to such an amount as it may deem expedient, and to sell or negotiate the same at such rate of interest or discount as it may deem for the best interest of the company without invalidation thereof, by virtue of any statute of this state, and said bonds and mortgages so sold or negotiated shall be valid and binding in law and in equity, and the purchaser and purchasers under a decree in equity or foreclosure founded upon any such bond and mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by said company, under or by virtue of its act of incorporation, and any supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

May increase capital stock.

2. *And be it enacted*, That the said Passaic Valley and Peapack Railroad Company may increase its capital stock to an amount not exceeding the cost of said railroad, its appurtenances and connecting line, and may connect with any other railroad now built or hereafter to be built, and the right of way and all other rights and privileges necessary to construct and operate said connecting line, shall be obtained and subject to all the restrictions specified in the original charter of the Passaic Valley and Peapack Railroad Company; and such connecting railroad may guarantee the payment of the interest and principal of the bonds of the Passaic Valley and Peapack Railroad Company, as well as dividends upon stock.

May hold real and personal estate.

3. *And be it enacted*, That the said company may have and hold real estate at its several stations and depots on the lines of the said railroad, to a sufficient extent to provide accommodation and conveniences for the business of said railroad, and may erect and build thereon such depot houses and machine shops as may be expedient for the accommodation of passengers, safety of property and other necessary uses.

Tax, how assessed.

4. *And be it enacted*, That until the said company shall pay the tax of one-half of one per centum, as required by its original act, they shall be regularly assessed and pay tax

for the value of its real estate, including improvements thereon and personal property, as are now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided however*, that as soon as said company shall have completed five consecutive miles of said road, they shall pay tax to the state as required by the original act. Proviso.

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

Approved March 16, 1869.

CHAPTER CLXII.

An Act to incorporate the Cumberland Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horatio J. Mulford, Isaac W. Mulford, Daniel Bacon, William G. Brooks, Thomas H. Tomlinson, and all such persons that may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Cumberland Land and Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in the county of Cumberland as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid. Corporators. Name.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by not less than five nor more than ten directors, a majority of whom shall be residents of this state, all of whom Election of directors.

shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in January in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be published not less than two weeks previous thereto in a newspaper published in the county of Cumberland, and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Horatio J. Mulford, Isaac W. Mulford, Daniel Bacon, William G. Brooks and Thomas H. Tomlinson, who shall hold their office until the first Monday of January next or until others are legally chosen.

First directors

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as one hundred shares of the capital stock shall have been subscribed and the sum of twenty dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation, and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively such installments, and at such times and in such proportions, as they may deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Cumberland, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of

Amount of capital stock.

failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time in the county of Cumberland as the directors shall appoint, notice being given previous thereto for two weeks in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

May lease, sell mortgage and convey real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots; and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable; and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of such buildings; and to enable them to raise money to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds to an amount not exceeding three-fourths of their capital stock, bearing interest not exceeding seven per centum per annum, and to sell and to dispose of the same; and to secure the payment of the same, the said company shall have power to convey or pledge by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for that purpose.

Certificates of stock.

5. *And be it enacted*, That it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased.

Powers of directors.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation;

Proviso. *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Not dissolved for failure to elect. 7. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

How dissolved 8. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Proviso.

Lands may be divided among the stockholders. 9. *And be it enacted*, That if at any time it shall be deemed advisable by the said board to divide among the said stockholders any land or lands belonging to said company, it may be lawful for said company to divide the said lands or land into a number of lots corresponding to the number of shares of capital stock which shall be then paid in, which said lots shall be distributed among the said stockholders in proportion to the number of shares which each stockholder shall hold, one lot to each share, which said distribution may be by lot or otherwise, as the board may deem proper, and conveyances may be made under the hands of the president and secretary and the seal of the company, by the said company of the lots so distributed, which said conveyances shall be good and valid in law, any law, custom or statute to the contrary notwithstanding.

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

Approved March 16, 1869.

CHAPTER CLXIII.

An Act for the improvement of South Bound Brook, and altering the name thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of South Bound Brook be changed and the name of the same shall be Bloomington; that the limits of said town, for the purposes of this act, shall be as follows: all that portion of Franklin township, in the county of Somerset, lying north of an air line, and included in the bend of the river, commencing at a point on the Raritan river, running in a northwesterly direction to another point on said river, the said air line to be run at a distance not to exceed four hundred feet from the dwelling of Myron Young and Robert G. Van Duyn, situated near the either end of said air line. Change of corporate name. Boundary lines.

2. *And be it enacted*, That the qualified voters, who are also residents of said town, as above bounded and limited, shall make and hold an election in said town on the first Mondays in May hereafter, at which election there shall be chosen, by a plurality of the votes cast, five of the freeholders of said town, who shall be denominated the board of street commissioners of said town, and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act. Election of street commissioner.

3. *And be it enacted*, That the first election of said commissioners shall be held at the new school house in said town, and subsequent elections shall be held at such place in said town, as by resolution of the board of commissioners, for the time being, shall be appointed, of which subsequent elections such board shall give ten days notice by putting up notices in five of the most public places in said town; that said elections shall be by ballot, and shall be opened at four o'clock in the afternoon, and closed at seven o'clock in the evening of the same day; that of the qualified voters present at the opening of the polls there shall be chosen a judge and clerk Place and time of holding the first election.

of election, who shall conduct the same in the manner that township elections are conducted, by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of township elections are subject to, and that at the close of said polls, the said judge and clerk of election shall canvass the votes and publicly declare who have been chosen, and shall make out under their hands and deliver to the commissioners so chosen a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

Election of town officers.

4. *And be it enacted*, That the commissioners so chosen shall at one of the meetings of said board, as soon after their election as may be practicable, elect from their number a president, secretary, and treasurer; that meetings of said board may be called by the president, or in his absence or disability, by the treasurer, upon two weeks' notice by putting up notices in two of the most public places in said town, which meetings so called may be publicly adjourned to another time and place without further notice; that the treasurer, shall give his bond to said board with satisfactory sureties, in such amount as they may require, for the faithful performance of his office, and shall render annually and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Powers of commissioners.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons therein or adjoining thereto, and of the fire engines and all apparatus for the suppression of fires belonging to said town, and for this purpose may, by resolutions or ordinances, make all needful rules and regulations for the promotion and advancement of the interests of said town, touching and concerning the matters above mentioned, and more particularly that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereof as they may deem advisable, to be graded, graveled or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept

open to the width at which they were laid out by the surveyors of the highway, or by any deed, donation or dedication thereof by the original owner or owners thereof, and also that they may fix and determine the width, grade and construction of the sidewalks of the said town, and cause the same or such parts thereof as they may deem necessary to be graveled or planked, or either of them, at the expense of the several owners of the improved property of said town adjoining said sidewalks; and in case any owner or owners shall neglect or refuse to comply with and carry out any such regulations or ordinances touching the sidewalks in front of and opposite their improved lots of land, *provided* such owner or owners shall not be compelled to expend on any sidewalks adjoining or in front of their lots of lands, over forty dollars in any one year, in making up the amount of such expenditure, the prevailing price for labor or teams shall be taken when such work is done, then that said commissioners may cause the same to be done and carried out by their workmen, laborers or agents, keeping a particular account of the expenses attending the same, to and with reference to the several owners of such improved lots respectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys, when recovered, shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended any bridges, drains or ditches in or along any of said streets or roads, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience, and doing the least private injury possible. Proviso.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services; that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, excepting only for the construction and repairs of sidewalks against the several owners of improved property for the amount of the construction and repairs of such parts thereof as may lay in front of and adjoining to the improved property of such respective owner or owners; that the taxes which shall hereafter be assessed, levied and collected upon and Commissioners not to receive compensation.

Assessment of taxes for improvements.

from the taxable inhabitants of said town, and upon the real estate therein for roads or for the improvement or repairs of roads, by the officers of the township of Franklin, shall not be applied to the roads without the boundaries of said town, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and collected; and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said town, and upon all lands liable to be taxed therein, to the treasurer of said commissioners, to be expended and applied by them in carrying out the purposes of this act; and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said town, and in case of any dispute respecting such designation, or of the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation of said township.

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

Approved March 16, 1869.

CHAPTER CLXIV.

Supplement to an act entitled "An Act to incorporate the Elizabeth Orphan Asylum Association," approved February twelfth, eighteen hundred and fifty-eight.

Time of holding annual election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meeting for the election of trustees of the Elizabeth Orphan Asylum Association shall be held on the first Wednesday of May, in the

year eighteen hundred and sixty-nine, and every year thereafter; and that so much of section second of the charter of said corporation as conflicts herewith be and the same is hereby repealed.

2. *And be it enacted*, That the present trustees and other officers of said corporation, shall continue to hold their respective trusts and offices, until their successors are respectively elected or chosen. Term of office.

3. *And be it enacted*, That this act be and is hereby declared a public act, and shall take effect immediately.

Approved March 16, 1869.

CHAPTER CLXV.

Supplement to the "Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseer of the highways for any road district in the township of Chesterfield, in the county of Burlington, shall be nominated and elected by a majority of the inhabitants, being legal voters, assembled for that purpose, in and for said road district, and that the boundaries of any road district as existing January first, eighteen hundred and sixty-nine, shall remain and shall not be altered, except by a majority of the voters of said district expressed at said election. Election of overseers of highways

2. *And be it enacted*, That such election shall be held in said road district on the Saturday following the annual town meeting, annually, between the hours of two and five o'clock, p. m., and at such place as the township committee shall designate, by gving five days' notice thereof, in writing, to be put up at two of the most public places in each district; *provided however*, that the election for road district number two Time of holding election. Proviso.

shall be held at the Recklesstown hotel, now kept by Edward McCue, without such notice.

Election of moderator and secretary.

3. *And be it enacted*, That at such election a moderator and secretary shall be chosen, viva voce, the said moderator to preside over said election and to decide all questions of order, and also in case of dispute to determine who have and who have not a right to vote according to laws at such meeting.

Proceedings and votes to be recorded.

4. *And be it enacted*, That it shall be the duty of the said secretary to record the proceedings and votes which shall be given by ballot at every such election and the result thereof, which record, signed by said moderator and secretary, shall, on the day of such election or the day after, be filed with and recorded by the clerk of the township.

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

Passed March 17, 1869.

CHAPTER CLXVI.

A Further Supplement to the act entitled "A Supplement to an act entitled 'An Act to facilitate Judicial Proceedings in the county of Essex,'" approved March twenty-seventh, eighteen hundred and sixty-seven.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement are hereby extended to any criminal offence triable by law before the court of general quarter sessions of the peace.

Duties of the justice holding circuit in the absence of the presiding judge.

2. *And be it enacted*, That the justice of the supreme court who may hold the circuit court in said county of Essex, in the event of the absence or disability of the presiding judge of the court of common pleas, or whenever the presence of said supreme court justice may be necessary to constitute a court for the purposes of the act to which this is a supplement, may perform all the duties required by said act

of the said presiding judge, and a fee of one dollar shall be included in the taxed costs, and paid to the said justice or said presiding judge, whichever shall hold the said court of special quarter sessions, for each case disposed of under said act.

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

Approved March 17, 1869.

CHAPTER CXLVII.

A Further Supplement to "An Act relative to Jurors and Verdicts," approved April seventeenth, eighteen hundred and forty-six.

Compensation to petit jurors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person summoned to serve as a petit juror in the circuit court, the court of oyer and terminer and general jail delivery, the court of common pleas and the court of general quarter sessions of the peace in and for the county of Camden, shall receive the sum of two dollars for each day's attendance at said courts, and also mileage at the rate of five cents per mile for the distance between his residence and the court house, computed only one way, for each day's attendance, whether he return daily to his residence or not, to be paid to him at the expiration of each term of service by the sheriff of said county; *provided*, that no mileage shall be allowed or paid when such person's residence is within one mile of said court house by the usual road of travel.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1869.

CHAPTER CLXVIII.

An Act to authorize the Common Council of Egg Harbor City, in the county of Atlantic, to borrow money.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of Egg Harbor City, in the county of Atlantic, to provide for any existing indebtedness against said city, by issuing bonds in the corporate name of said city, and under their corporate seal, to be signed by the mayor and clerk of said city for an amount of money not exceeding ten thousand dollars, in such sums and payable at such time or times, not exceeding ten years from the date of said bonds respectively, as said common council shall deem proper, and bearing interest at the rate of seven per centum per annum, and to pledge the property and credit of said city for the payment of the same; *provided*, that no bond shall be sold for less than its par value.

Proviso.

Power to raise money to pay bonds by taxation.

2. *And be it enacted*, That the common council shall have power and authority to provide by taxation on the taxable property in said city for the payment of the said bonds and the interest thereon, and shall yearly and every year, until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected a sum of money sufficient to pay the interest on said bonds and indebtedness as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable, and that all such moneys so to be raised by virtue of this act shall be exclusively applied to the payment of the principal and interest of such bonds and indebtedness as the same may become due and payable.

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

Approved March 17, 1869.

CHAPTER CLXIX.

Supplement to an act entitled "An Act to incorporate the Farmingdale and Squan Village Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of said company, authorized by the act to which this is a supplement, may be increased to nine whenever the board of directors shall by a resolution order such increase, and the directors who shall be ordered to be elected by such resolution, shall be elected in the manner, possess the qualifications and perform the duties prescribed by the act to which this is a supplement. Number of directors may be increased.

2. *And be it enacted*, That the capital stock of the said company shall be increased to the sum of one hundred and fifty thousand dollars. May increase capital stock.

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

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

Approved March 17, 1869.

CHAPTER CLXX.

An Act to incorporate the Friendly Sons of Ireland, of Hudson County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Æneas Fitzpatrick, John C. Bailey, John McGuigan, John Garrick, Patrick Reilly, Robert Smyth, and Bernard McAnally, and their associates, be and they are hereby constituted and made a body politic Corporators

and corporate in fact, name and law, by the name of the
Name. "Friendly Sons of Ireland, of Hudson county," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answered and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold and re-
May purchase and hold real estate. ceive, and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, goods, chattels, legacies, donations, annuities, or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or
Proviso. otherwise dispose of; *provided always*, that the principal sum of said estate shall at no time exceed in value the sum of fifty thousand dollars.

Officers. 2. *And be it enacted*, That the officers of said corporation shall consist of a president, two vice presidents, recording secretary, corresponding secretary, treasurer and sergeant-at-arms, and a board of trustees, consisting of the president, two vice presidents, and four members, who shall be elected at the first regular meeting in each year, and shall hold their office for one year.

Treasurer to give bonds. 3. *And be it enacted*, That the treasurer shall give good freehold security approved by the board of trustees, in the sum of not less than one thousand dollars, before entering upon the duties of his office.

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

Approved March 17, 1869.

CHAPTER CLXXI.

An Act to incorporate the Lawrence Cranberry Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Bowker, Peter G. Vansant and Aaron Hart, and all such persons as may here-

after be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Lawrence Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Mercer, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands, and for such purposes the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of fifteen thousand dollars, with liberty to increase the same to thirty thousand dollars, which shall be divided into shares of one hundred dollars each.

Name.

Amount of capital stock.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of three directors, one of whom shall be president, and a majority of whom shall have all the powers of the board; and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Directors, and how elected.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, but no dividends shall be made to the stockholders except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of

Stock transferable.

inspection, and that their principal office shall be in Mercer county, in this state.

How dissolved

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

Proviso.

Restrictions and liabilities.

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty six, so far as the same are applicable.

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

Approved March 17, 1869.

CHAPTER CLXXII.

Supplement to an act entitled "An Act to incorporate the Standard Fire Insurance Company of New Jersey," approved February twenty-seventh, eighteen hundred and sixty-eight.

Number of directors not to exceed twenty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company by its by-laws may designate the number of directors of said company, not exceeding twenty-one; and have power in its by-laws to designate the number of directors necessary to constitute a quorum for the transaction of business.

Repealer.

2. *And be it enacted*, That such parts of the act to which

this is a supplement, as are inconsistent with this act, be and the same are hereby repealed.

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

Approved March 17, 1869.

CHAPTER CLXXIII.

An Act to incorporate the Bloomfield Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry E. Richards, John H. Chambers, Joseph A. Davis, M. D., Samuel G. Baxter, Jacob F. Randolph, P. Weaver, Augustus T. Morris, Samuel Moore, Samuel J. Potter, James A. Hedden, Edward S. Wilde, and such other persons as may hereafter be associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Bloomfield 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 township of Bloomfield, in the county of Essex; and to enter into and execute contracts, agrements or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, holding and conveying any estate real or personal, necessary to give effect to the 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

Corporators.

Name and object.

Proviso.

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.

May lay pipes in roads and streets, &c.

2. *And be it enacted*, That the said corporation shall be and they are hereby empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues and public grounds of the said township of Bloomfield, and to do all things necessary to light the said township, or any part thereof as now existing, or under whatever corporate name or names the same may hereafter exist, and the dwellings, stores and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross-walks, 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.

Proviso.

Amount of capital stock.

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

Commissioners to receive subscriptions

4. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, 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 of the same in a newspaper published in the county of Essex; and at the time of subscribing for said stock, five per centum shall be paid upon the amount subscribed for, to the commissioners or some one of them; and as soon as the sum of ten thousand dollars of the capital stock is subscribed for such commissioners, or a majority of them, shall call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made at the time and place so as aforesaid designated, 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

Directors, how elected.

thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred, and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vanancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Not dissolved for failure to elect directors

5. *And be it enacted*, That the directors of the said corporation shall be seven, and in case it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice, in one or more newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Payment of installments.

6. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving thirty days' previous notice, in a newspaper published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation, and shall 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.

Penalty for injury to works.

7. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever, whereby any conduit, pipe, cock, machine or structures 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 labor, not exceeding two years, or both; *provided*, that such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state having cognizance of the same, which suit the said company are hereby authorized to commence and prosecute to final judgment and execution.

Proviso.

May borrow money and issue bonds.

8. *And be it enacted*, That the said corporation shall have power to borrow after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money from time to time as shall be necessary to build, construct or repair the works of said corporation, and furnish the said company with all necessary pipes, buildings, machines, tools or implements whatsoever for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on the land, franchises, works and appurtenances of or belonging to the said corporation at a rate of interest not exceeding seven per centum per annum.

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

to be kept at their office proper books of accounts in which shall be fairly and truly entered all the transactions of the company, which books shall be during the business hours of the said company open for the inspection of the stockholders. Books of account to be kept.

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

Approved March 17, 1869.

CHAPTER CLXXIV.

An Act to incorporate the Navesink Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Navesink Turnpike Company shall be opened by Joseph G. Mount, Joseph J. Thompson, Andrew Mount, William J. Mount, Edward M. Hartshorne, Reuben Parsons, Edward T. Hopping, Andrew Brown, Joseph Hall and Richard J. Williams, George H. Giles, William Johnson, Alexander C. Watrown and Gilbert Giles, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Monmouth. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to an amount not exceeding fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred shares shall be subscribed for and taken, the persons holding the same shall be, and they are hereby incorporated into a company, by the name and title of "The Navesink Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies necessary to carry the objects of this law into effect. Amount of capital stock.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of said subscription shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid; and upon failure of the payments thereof as so directed, the president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; and that the persons through whose lands said turnpike roads shall be respectively constructed, and legally capable of subscribing to the stock of said company, shall be first admitted on the first day the subscription books are opened therefor to subscribe for so much of the stock thereof as they may respectively desire to have.

Time for receiving subscriptions limited.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within five years from the time of opening the said subscription books, this act and all the subscriptions under it shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Directors, how chosen.

5. *And be it enacted*, That when the one hundred shares of stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of the state of New Jersey, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges, and at the expiration of that term, and annually thereafter, upon like notice being given by the directors for the time being, the said stockholders shall elect by ballot, the same number of directors, a majority of whom shall be citizens of the state of New Jersey, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each

share by the holder or holders thereof, either in person or by proxy.

Election of president.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of said company, who shall hold his office for one year and until another shall be elected, and shall be the presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or absence, or inability so to do, the said directors shall appoint some other suitable person who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Powers and duties of the directors.

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

Proviso.

Annual statement.

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

Special meetings of stockholders.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president and directors or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same as hereinbefore directed with regard to the annual meeting, which said notice shall specify the particular object of the meeting, but that no business of the com-

pany shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts and all other papers of the proceedings of the company to be exhibited to them by the president and directors.

Not dissolved by failure to elect.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others are elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

May build turnpike road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road in the county of Monmouth, beginning at or near the end of the road at the Middletown station, on the Raritan and Delaware Bay railroad, in the public road that leads from said station through the village of Navesink to, at or near the steamboat landing on the western shore of the Navesink river at the Highlands, and also a branch turnpike road, beginning at the village of Navesink, in the centre of the aforesaid road; thence running to, at or near the Highland station on said railroad, which said turnpike road may be constructed on and along the public highway leading from said Middletown station through the village of Navesink at or near said steamboat landing, and which said branch turnpike may be constructed on and along the highway that leads from said village of Navesink to Highland station, except in those places where the said public highways, or either of them, be not straight, then and in those places, the said company shall have power to construct the said turnpike road and branch turnpike road where they may deem proper, with power to widen said highway to any width, not to exceed four rods; *provided*, that before the said company shall construct the said turnpike roads as aforesaid, along the highways aforesaid, they shall pay to the respective owners of the land over which the highways selected for constructing said main turnpike road and said branch turnpike road upon now pass, all damages which the said owners shall sustain by reason of the construction of said turnpike roads; and in case said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained

Proviso.

and determined as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by taking of stone or gravel, sand or clay, from his lands, for the construction or maintaining said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands wherever the said turnpike roads are to be constructed, paying damages which the owners will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only. Proviso.

12. *And be it enacted*, That the said main turnpike road and said branch turnpike road shall be constructed, not exceeding four rods in width, along the middle as near as may be of said highways, and shall be sufficiently arched and drained to make and keep the same dry, and, at least, that sixteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of eight degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than eighteen feet in breadth, and whenever said roads, in passing over low ground, shall be raised so much at the margin or sides as to render carriages passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the sides so as to prevent horses and carriages from running off. Bridges to be kept in repair.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and beasts of burden and draft, and all necessary materials and tools, to enter upon all lands contiguous or near to the route of said roads, doing as little damage thereby as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said roads; and that when said company or its agents cannot agree with the owner or owners of said lands or materials for the purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of said roads, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or Proceedings in case no agreement can be made with owners of property.

names of the occupant, if any there be, and of the owner or owners and their residence, if the same can be ascertained, to one of the judges of the court of common pleas in the county of Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state to make publication thereof, as shall be directed, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said land and materials and to assess the damages upon such notice to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the lands and materials, and make an equitable and just appraisement of the nature of the same, and assessment of damages to be paid by the said company for such land or materials and damages aforesaid, and to make report thereof under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the clerk, which report, or a copy of it certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, use, occupy, possess and enjoy the said lands or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation with interest and costs in any action in any court of competent jurisdiction in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand being made of their treasurer, and shall constitute a

lien upon the property of the company in the nature of a mortgage; and the said judge shall tax and allow such costs, fees and expenses to the judge, clerk, commissioners and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed in a workmanlike manner the said roads or either of them, according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said roads, or either of them, and to demand and receive toll for traveling each mile, and all fractions of a mile of said roads, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast, one and a half cents;
For every additional beast, one and a half cents;
For every horse and rider, or led horse and mule, eight mills;
For every dozen of calves, sheep or hogs, two cents;
For every dozen of horses, mules or cattle, six cents;

and it shall be lawful for the toll-gatherers to stop persons riding leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified.

Mile stones to be erected.

15. *And be it enacted*, That before the said company shall receive toll for traveling said roads, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile in use on said road, and on each post or stone shall be fairly and legibly marked the distance the said post is from the termini of said road at Middletown Station and the Highlands on the main turnpike, and at Highland Station and the village of Navesink on the said branch turnpike road, and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right" as the law directs.

Penalty for injuring mile stones or posts and for forcibly passing toll-gates.

16. *And be it enacted*, That if any person shall willfully break, throw down or deface any of the milestones or posts so erected on either of the said roads, or wilfully tear down

or deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes, railings, fenders or bridges that shall be erected pursuant to this act, or shall forcibly run the gates or turnpikes without paying the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person shall, with his or her carriage, team or horse, turn out of either of the said roads to pass a gate or gates on private grounds adjacent thereto, and enter again on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would be for passing through said gate, to be recovered by the said company for the use thereof, in an action of debt, with the costs of suit.

Penalty for hindering travel.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, the company shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or delayed.

Penalty for neglecting to turn to the right.

18. *And be it enacted*, That all the drivers of carriages, sleighs or sleds, of every kind and description, whether of burden or pleasure, or persons on horseback, using either of the said roads, shall keep their horses, carriages, sleighs or sleds on the right hand side of said road in the passing directions, leaving the other side of the said road free and clear for other carriages, sleighs, or persons on horseback to pass; and if any person should offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when turnpike is not kept in repair

19. *And be it enacted*, That if the said company should not keep either of the said roads, bridges, rails and fenders in repair, and complaint thereof shall be made to any judge of the court of common pleas wherein the same shall be situate, he shall immediately appoint by writing three disinterested freeholders of the county as aforesaid, who shall

view said road so complained of and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept, and if the report be unfavorable to the said road the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, the company shall for such offence forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons appointed, or a majority of them, on application of the said company, again to view the said road, rails, fenders or bridges, and report as aforesaid to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut and the toll collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person or persons making the complaint.

When lawful to demand toll.

20. *And be it enacted*, That whenever the said company shall have completed two miles of either of said roads, according to the directions, and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said roads, or either of them, and demand and receive toll for traveling thereon, agreeably to the rules herein specified.

Toll may be charged on main turnpike when branch road is not in condition.

21. *And be it enacted*, That it shall and may be lawful for said company to erect and maintain along the line of said turnpike roads or either of them, and within the limits of said roads, or of property to be acquired by the company for that purpose, gates and convenient toll-houses for the toll-gatherers; and that if the said branch turnpike road hereby authorized should not be constructed; or if the said branch turnpike road hereby authorized to be constructed, shall not be in good traveling condition according to the requirements

of this act, the said company shall have the right to collect the said tolls as specified in this act, on their main turnpike road hereby authorized to be constructed.

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

Approved March 17, 1869.

CHAPTER CLXXV.

Supplement to the charter of Wildey Lodge, Number Ninety-One, Independent Order of Odd Fellows of Camden, New Jersey.

Preamble. WHEREAS, Wildey Lodge was instituted and is conducted for charitable and benevolent purposes; therefore,

Exempted from tax. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said lodge be and hereby is exempted from all state and municipal taxation.

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

Approved March 17, 1869.

CHAPTER CLXXVI.

An Act to incorporate the Clergymen's Mutual Insurance League.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Dunnell, Fernando C. Putman, J. Nicholas Stansbury, R. A. Poole and William R. Earle, clergymen of the "Protestant Episcopal Church,"

in the state of New Jersey, and all such persons as may be hereafter associated with them, and their successors, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of the "Clergymen's Mutual Insurance League;" and by that name shall be capable of receiving, using, holding and disbursing moneys for the benefit of the families, heirs and assigns of the members of the said "Clergymen's Mutual Insurance League," and shall have all other rights and powers belonging to similar corporations by the laws of this state. Name.

2. *And be it enacted*, That the object of said corporation is hereby declared to be the exercise of mutual benevolence and the mutual insurance of relief to the families of its deceased members. Objects.

3. *And be it enacted*, That the management of the affairs and concerns of the said corporation shall be and is hereby vested in a board of fifteen trustees, who shall be clergymen of the Protestant Episcopal Church, and who may elect such officers as are necessary for the proper transaction of the business of the corporation. Management vested in trustees.

4. *And be it enacted*, That the trustees shall be chosen by ballot at a meeting of the members held annually on the Thursday following the last Wednesday in September. Election of trustees.

5. *And be it enacted*, That in addition to the dues and assessments of the members of the association, the corporation shall have power to receive, hold, use and disburse donations, legacies and bequests within the provisions of the by-laws; *always provided*, that such use and disbursement shall be confined to carrying out the declared objects of this association, and shall be in full compliance with the express wish of any donor, devisor or testator who shall make this corporation their agent for the execution of any trust. Powers. Proviso.

6. *And be it enacted*, That no portion of the funds of this corporation shall ever be appropriated to the payment of any salary to any of its officers, and that at no time shall more than two hundred and fifty dollars per annum of its funds be expended for clerical assistance. Funds, how appropriated.

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

Approved March 17, 1869.

CHAPTER CLXXVII.

A Further Supplement to an act entitled "An Act to incorporate the Hightstown and Perrineville Turnpike Company," approved the ninth day of March, anno domini eighteen hundred and fifty-nine.

Rates of toll increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act to which this is a further supplement, be amended by striking out the words, for every carriage, sleigh or sled drawn by one beast, one cent; for every additional beast, one cent; for every horse and rider, or led horse or mule, five mills; for every dozen calves, sheep or hogs, five mills; for every dozen horses, mules or cattle, two cents;" and inserting the words, "for every carriage, sleigh or sled drawn by one beast, one cent and five mills; for every additional beast, one cent and five mills; for every horse and rider, or led horse or mule, one cent; for every dozen calves, sheep or hogs, one cent; for every dozen horses, mules or cattle, three cents," in the place thereof.

Par value of stock reduced.

2. *And be it enacted*, That the par value of the stock of said company shall be and is hereby reduced to twelve dollars and fifty cents per share, being now its actual value, and that sum shall be deemed and taken as the amount of said stock paid in by the stockholders of said company.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company under said reduction as aforesaid shall, for all legal purposes, be taken and deemed to be five thousand six hundred and fifty dollars.

Penalty for evading payment of toll.

4. *And be it enacted*, That if any person traveling upon the turnpike road of said company shall knowingly falsely represent the distance or the point or place from which he or she has traveled upon said road, to the toll-gatherers, or any of them of said company, with the intent to defraud said company out of the lawful toll due them, he or she so representing, shall forfeit and pay the sum of ten dollars, to be recovered by said company in an action of debt, in any court of competent jurisdiction, with costs of suit.

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

Approved March 17, 1869.

CHAPTER CLXXVIII.

A Supplement to an act entitled "An Act to incorporate the Paterson and Passaic Horse Railroad Company," approved February twenty-eighth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson and Passaic Horse Railroad Company, be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a single track railway, with the necessary turnouts, in the city of Paterson, and the township of Acquackanonk, in the county of Passaic, from the present terminus of said railroad, in Market and Willis streets, at or near the Erie Railway, along Market and Congress streets on the north side of the present railway from Paterson street to Main street; thence down the centre of Main street to a point in Broadway, south of Congress street; the company are hereby empowered to lay and construct a single or double track railway southerly up Main street, the Paterson and New York Plank road, to Passaic village, through Crooks avenue to the Weasel road, Madison avenue, East and West Railway avenue, to Lake View southerly from Willis street, also through Ward street and Grand street, between Main street and Railroad avenue, through Railroad avenue, between Grand and Market streets, in the city of Paterson, and through any of the streets on the property known as the Lake View property, as now laid down and as the same may be hereafter extended northerly to Market street; *provided*, that the said railway shall not be constructed in Market or Congress streets between Railroad avenue and Main street, nor in that part of Main

May construct and make a railroad.

Route.

Proviso.

street north of Congress street, without the consent in writing of a majority of the owners of the land, (reckoning by the number of lineal feet) fronting on both sides of said parts of Market, Congress, or Main street, respectively embraced in this proviso, being first had and obtained, and filed in the clerk's office of the county of Passaic; and further, that the said railway shall not be constructed in any parts of the streets herein mentioned, west of the Erie Railway and north of Grand street, in said city, without the permission of the mayor and aldermen of said city for that purpose, being first duly granted at a meeting of the board, and a certified copy of the resolution granting such permission being first filed in said county clerk's office, and such permission being once granted, shall not be afterwards revoked or modified without the consent of said company; and further, that the said railway may be constructed upon the road of the Paterson and New York Plank Road Company only by the permission of such company, or in the manner prescribed in the fourth and fifth sections of this act.

General powers.

2. *And be it enacted*, That in the construction, equipment, management, running, and operation of said railroad, the said company shall have and possess all the powers, authority and privileges, granted to or conferred upon them by the act to which this is a supplement.

May purchase and hold real estate.

3. *And be it enacted*, That the said company may acquire, have, hold, possess, and occupy such real [estate] or interest therein, at such points along the line of said railroad as may be necessary for the construction, maintenance, and operation of said railroad, or for the convenient transaction of business, not exceeding three acres at any one point.

Proceedings when company and owners of lands cannot agree.

4. *And be it enacted*, That if the said company or its agents, cannot agree with the owner or owners of such land as may be required, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Passaic, who shall cause the said company to give notice thereof, to the persons interested, if known, and in this state,

or if unknown and out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands, and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation, before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company; which report shall be made in writing, under the hands of the said commissioners or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments, and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid, as hereinafter mentioned,) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees, and expenses to the judges of the said court, commismissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

5. *And be it enacted*, That in case said company or owner or owners of the said lands shall be dissatisfied with the report made by said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said Passaic county, at the first term after filing the said report, by proceeding in the form of petition to said court, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanneled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice, and in the same manner as other issues in said court are tried; and it shall be the duty of the jury to assess the value of said land and the damage sustained; and if they shall find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall the said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or the amount found by the jury in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the

Proviso.

amount assessed or found as aforesaid into the circuit court of the county of Passaic shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for the said company, and they are hereby authorized with their railroad to cross the line of any other railroad.

Width of track

6. *And be it enacted*, That the width or guage of the track laid under this act, or the act to which this is a supplement, shall correspond with the track of the railroad of said company already laid in a part of Market street and the Weasel road; and the rail to be used shall be the same as in the said track already laid as aforesaid, or be the grooved or U iron rail of the most approved pattern, and that if said railroad shall not be completed by the fourth day of July, eighteen hundred and seventy-eight, then and in that case, so much of the railroad as remains unbuilt shall not come under the provisions of this act, and that the privileges and powers conferred and granted by this section be extended to apply to section thirteen of the act to which this is a supplement.

Description of rail.

7. *And be it enacted*, That the rail used on this road shall be the same as now used by the said company on its railroad leading from Paterson to the Cedar Lawn cemetery.

Repealer.

8. *And be it enacted*, That all parts of the act to which this is a supplement inconsistent with the provision of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1869.

CHAPTER CLXXIX.

An Act to create a school district in the township of Clinton, in the county of Essex, to be called and known as "The Irvington School District."

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all part of the township of Clinton, in county of Essex, included within the following boundaries: Beginning at the bridge crossing Elizabeth river below Drake's mill on Clinton avenue; thence easterly along the county line to a lane leading from Prospect avenue past J. Best's house, and including said house; thence northeasterly to the west side of J. Huffman's house on Prospect avenue; thence easterly to Lyons avenue, north of William Lyon's house, to the corner of a street opposite to said house; thence northeasterly to Hawthorn avenue, east of Philip Tillinghast's; thence easterly along the centre of said avenue to the head of Johnson's pond; thence along the pond and Two-mile Run to Union avenue; thence northwesterly in a straight line to the southwest corner of Woodland cemetery; thence westerly in a straight line to Springfield avenue, east of Mrs. Strong's house; thence northerly, east of J. Heagle's house, to where the road from East Orange crosses the bounary line of Clinton; thence westerly and southwesterly along the boundary line between Clinton and South Orange to Spingfield avenue; thence passing on the west and south sides of William Avery's house to a point half way between the house of T. Shillingsford and J. M. Baker; thence southerly in a straight line to the beginning, shall become consolidated into one school district, which shall hereafter be known and called "The Irvington School District," and the inhabitants residing within said bounds shall be and become, and they are hereby created, a body politic and corporate in law, for the purposes of a school district, and their corporate name shall be "The Irvington School District."

Powers.

2. *And be it enacted*, That the said school district shall possess all the powers and privileges, and be subject to all the penalties mentioned and set forth in the act of the legislature of New Jersey, entitled "An Act to establish a system of

public instruction," approved March twenty-first, eighteen hundred and sixty-seven.

To be governed by trustees

3. *And be it enacted*, That the said school district shall be governed by a board of three trustees, who shall be elected at the time and in the manner, shall hold office, possess the power and authority, the rights and privileges, and be subject to all the penalties mentioned and set forth in the said act.

Powers of present trustees.

4. *And be it enacted*, That the board of trustees now elected in said district shall have full power, until other trustees are duly elected, to act in all things under this act, and under the said general act, the same, to all intents and purposes, as though they were elected under this act and after the passage thereof.

General powers.

5. *And be it enacted*, That the said trustees, or a majority of them, shall have full power and authority to make sale and conveyance of the school houses and lots thereto attached, which are situate in the districts formerly known as Franklin school district number four and Washington school district number five; said sale may be had by public vendue or private sale, as to said trustees, or a majority of them, may seem best, and a deed or deeds executed and acknowledged in due form of law by said trustee, or a majority of them, in the name of "The Irvington School District," and with the corporate seal thereof, shall convey to the purchaser or purchasers, of said school houses and lots and shall vest in said purchaser or purchasers such estate, title and interest therein as the said Franklin school district number four and Washington school district number five, had in said school houses and lots respectively.

Moneys received, how applied.

6. *And be it enacted*, That all moneys received by said trustees on such sale and conveyance shall be applied exclusively to the purchase of a lot upon which to erect a school house in said Irvington school district, and to the erection of a school house thereon, or to one of those objects.

Trustees may make and negotiate bonds.

7. *And be it enacted*, That it shall and may be lawful for the said trustees of Irvington school district to make, execute and deliver bonds for the payment of money in sums of not less than one hundred dollars, to an amount not exceeding in the aggregate twenty thousand dollars, and payable in equal sums of five thousand dollars, in five, ten, fifteen and twenty years from the date thereof, with interest thereon at the rate of seven per centum per annum, which bonds the said trustees are authorized and empowered to negotiate,

and the proceeds of which shall be used and appropriated exclusively by the said trustees for the purpose of purchasing a lot in said district, and erecting thereon a school house and furnishing the same for the educational purposes of said district.

Provision for a sinking fund.

8. *And be it enacted*, That a sinking fund shall be provided for the payment of said bonds and the interest thereon, for which purpose there shall be yearly and every year, until the said bonds with the interest thereon shall be paid, raised in the said district, from the inhabitants and the real and personal estate therein situate, by tax, such amount as the said trustees, or a majority of them, shall deem necessary; and it shall be the duty of the said trustees, or a majority of them, each year before the time required by law for the assessment of taxes, to make out, in writing, and deliver to the assessor of the said township of Clinton a certificate, stating the amount of money required to be raised by tax in said district during that year to meet the payment of the interest on said bonds and to provide for said sinking fund; and it shall be the duty of said assessor then to make an assessment upon the inhabitants of said district, and the real and personal estate therein situate, of the amount so stated in said certificate, which assessment shall be made in the same manner in which other assessments of taxes are now or hereafter may be required to be made by law; and said assessment thus made shall have the same binding, force and effect as any and all other assessments of taxes made according to law; and payment of the taxes thus assessed may be enforced in the same manner in which all other taxes are enforced; and such amount so raised shall be paid over by the township collector or other officer required by law to receive the same to the said trustees, who shall pay thereout the interest due and payable on said bonds and such principal thereof as may be due, and deposit the balance in some sound and responsible savings bank or savings institution in the city of Newark, in the name of the said "The Irvington School District," there to remain at interest until required for the payment of the principal of said bonds, for which purpose the same may be used, and for no other purpose whatever.

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

Approved March 17, 1869.

CHAPTER CLXXX.

An Act to incorporate the Malaga Shoe Manufacturing and Land Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asa A. Smith, M. D., Charles W. Smith, M. D., William B. Rosenbaum, John Kandle, John S. Trott and William H. Howland, their associates and successors, be and they are hereby constituted and declared a body corporate and politic in law, by the name of the "Malaga Shoe Manufacturing and Land Improvement Company," with all the rights, powers and privileges incident to a corporation, for the purpose of conducting the business of shoe manufacturing, and other branches of manufacture which may at any time be deemed advisable or expedient in the conduct of their business; and also to have power to purchase, hold, convey, lease, improve, and otherwise dispose of any lands, tenements, hereditaments or appurtenances thereof, situate in the counties of Gloucester, Cumberland and Salem, and to do all other acts and things necessary or proper to effect the object of said corporation.

Name and objects.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of one thousand shares of par value of one hundred dollars each, with the privilege of increasing the same to two thousand shares, all of which shall be personal property, and shall be transferable in such manner, and subscribed and paid for at such times as said corporation shall direct, and in case of failure of any stockholder to pay his or her installments at the time appointed for the payment thereof, such stockholder may at the option of the board of directors of said company, incur a forfeiture of his or her share or shares, and all the previous payments thereon to the said corporation.

First corporators.

3. *And be it enacted*, That the said corporators, Asa A. Smith, M. D., Charles W. Smith, M. D., William B. Rosenbaum, John Kandle, John S. Trott and William H. Howland, shall manage the affairs of said corporation until it shall have been organized as hereinafter provided.

Directors, and how elected.

4. *And be it enacted*, That it shall be the duty of said

corporation immediately after the passage of this act, or as soon thereafter as it can conveniently be done, to hold a meeting and appoint a time, place and manner in which subscriptions to the capital stock of the said corporation may be made; and that as soon as one hundred shares shall be subscribed, they shall call a meeting of stockholders, who shall organize the said corporation by electing five of their members as directors, and they shall adopt a constitution and by-laws for the government of said corporation; at the said election and all subsequent elections each stockholder shall have one vote for each share of stock held by him or her, and no more, and a majority of the votes cast shall determine the election.

Dividends.

5. *And be it enacted*, That thereafter the said board of five directors, any three of whom shall constitute a quorum, shall manage the affairs of said corporation, subject to the provisions of this act and the constitution and by-laws adopted as aforesaid; and the said directors shall declare such dividends as the profits, plans and rules of the said corporation will allow.

Annual statement.

6. *And be it enacted*, That it shall be the duty of the directors of said corporation to call an annual meeting at the time specified in the constitution adopted as aforesaid, and report at each annual meeting setting forth the affairs of the company.

Business to be co op. rative.

7. *And be it enacted*, That each and every branch of manufacture shall be strictly co-operative, and that this act shall take effect immediately.

Approved March 17, 1869.

CHAPTER CLXXXI.

A Further Supplement to the act entitled "An Act to authorize the inhabitants of Irvington, in the township of Clinton, in the county of Essex, to improve and regulate their roads, streets, crossings and sidewalks," approved February twenty-fifth, eighteen hundred and sixty-one.

Commissioners to approve the manner of flagging and paving.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall and may be lawful to cover the sidewalks within the limits of the district described in the said act with flags, brick, plank or such other substance as the board of commissioners mentioned in the said act shall approve and order, and that in case the said board of commissioners shall order the sidewalks within the limits aforesaid to be covered with any other substance than flag, brick or plank, they shall take such measures for the enforcement of any such order, and have the same remedies for the recovery of the expenses of so covering said sidewalks that are directed, given and granted to them by said act, and the supplement thereto, approved March twenty-seventh, eighteen hundred and sixty-seven.

Regulation of streets.

2. *And be it enacted*, That it shall be lawful hereafter for said board of commissioners to recognize as public streets, any such street or streets heretofore laid out and opened within the limits aforesaid, as they may deem best, and to order the same to be regulated, leveled, graded and worked, and the sidewalks on said street or streets to be leveled, graded and paved according to the provisions of said act and of said supplement, approved March twenty-seventh, eighteen hundred and sixty-seven, and of this supplement; and it shall also be lawful for said board of commissioners to take such measures for the enforcement of any order or orders made by them for regulating, leveling, grading and working such streets, and for leveling, grading and paving the sidewalks on such street or streets, and for enforcing the payment of any and all expenses connected therewith, as they are authorized by said act and the said supplement, approved March twenty-seventh, eighteen hundred and sixty-seven, to take for leveling, grading and working any other street or streets, and for leveling,

grading and paving any other sidewalk or walks within the limits aforesaid.

Duties of the commissioners.

3. *And be it enacted*, That it shall be lawful for the said board of commissioners, and it is hereby declared to be their duty whenever in their judgment circumstances shall require, to order the sidewalks within the limits aforesaid to be repaired, and to prescribe the time and manner in which such reparation shall be made, and it shall be the duty of the said board of commissioners, to take such measures for the enforcement of any order or orders by them made for such reparation, and for the payment of the necessary expenses for making such reparations as by said act and the said supplement thereto, they are authorized and empowered to take for leveling, grading and paving any sidewalk within the limits aforesaid.

Further duties

4. *And be it enacted*, That it shall be the duty of the said board of commissioners to cause all streets or roads within the limits aforesaid, which are recognized by them as public streets under the provisions of the said act, and the supplement thereto, and of this supplement, to be opened to their full width and all encroachments thereon to be removed.

Election of commissioners.

5. *And be it enacted*, That the election of said board of commissioners and the superintendent, and the determining of the amount of tax to be raised, contemplated by the said act, and the said supplement thereto, shall be by ballot; the polls shall continue opened for one hour from the time when first opened, and the election shall be conducted by tellers, who shall be chosen before the said polls shall be opened, by the meeting of electors assembled in said district under said act and the said supplement, for the purposes of said election.

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

Approved March 17, 1869.

CHAPTER CLXXXII.

An Act to incorporate the Central New Jersey Baptist Association of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the association now known as "The Central New Jersey Baptist Association" shall be and hereby is constituted a body politic and corporate by the name and title of "The Central New Jersey Baptist Association," and by that name and title they and their successors shall be known in law, have power to sue and be sued, to defend and be defended in all courts whatsoever, and shall be capable of acquiring and receiving by purchase, gift, devise, bequest or otherwise, and becoming possessed of and holding or aliening, releasing or conveying any real or personal estate not exceeding the yearly value of three thousand dollars, in the whole, and the said property so held shall not be subject to taxes of any kind whatsoever; and shall have power to adopt and use a common seal, with power to alter or renew the same at pleasure, and may ordain or make such regulations and by-laws as shall be necessary or convenient for the admission of members, the election of officers, the convening and government of the said corporation, and for conducting its affairs; *provided*, that the said regulations and by-laws be not contrary to the constitution of the United States or of this state, or inconsistent therewith.

Name.

Powers.

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2. *And be it enacted*, That the said corporation shall be composed of delegates from such Baptist churches as comply with the requirements of such by-laws and regulations; its annual meeting shall be held at such time and place as it by by-law or resolution may determine, at which annual meeting a moderator shall be chosen in such manner as the corporation may by its by-laws determine; a clerk and treasurer and such other officers as may be deemed necessary may be elected at such times and in such manner as the corporation may direct; all officers shall hold office until their successors are elected; H. D. Doolittle shall be the first moderator, H. C. Putnam the first clerk, and J. S. Durham the first treasurer.

Corporation how composed

Election of trustees.

3. *And be it enacted*, That the said corporation shall have power to elect a board of trustees from out their own number; the said board shall be composed only of members of the churches included in said association; the number of members of said board, their term of office, the time and manner of their election, and their general duties, shall be regulated by the by-laws of the said corporation; the election of such board, or its continuance, shall be discretionary with the said corporation.

Funds, how used.

4. *And be it enacted*, That the funds of the said corporation shall be used only for printing its minutes and other incidental expenses, for missionary and educational purposes, and for the support of disabled ministers of the Baptist denomination, and of the widows and orphans of such ministers;

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provided, that nothing in this section shall be so construed as to prevent the said corporation from applying the funds acquired by any grant, gift or bequest, in accordance with the provisions or conditions of such grant, gift or bequest; and no misnomer or other informality, shall defeat any grant, gift or bequest to said corporation if the intention of the giver, grantor or testator is apparent or can be ascertained.

Act may be amended.

5. *And be it enacted*, That the legislature may alter or amend this act at pleasure, provided no vested rights are impaired thereby; and that this act shall be deemed and taken to be a public act in all respects whatsoever, and shall take effect immediately.

Approved March 17, 1869.

CHAPTER CLXXXIII.

An Act to incorporate the New Egypt and Farmingdale Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George F. Fort, of the county of Ocean; Charles Butcher, Austin H. Paterson, Charles G. Bowd, and Samuel T. Williams, of the county of Monmouth;

John Hulm, Richard Conover, Miller Shinn, Ephraim P. Empson, William Allen, Samuel Carhart, Charles H. Applegate, and Conover Mathews, of the county of Ocean, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in law, by the name of "The New Egypt and Farmingdale Railroad Company," and by that name they, and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors, by that 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. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they or a majority of them may think proper, by giving ten days' previous notice, in two newspapers published in Ocean and Monmouth counties, and at the time of subscribing for said stock ten per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be two thousand shares of said stock subscribed, the said commissioners shall give like notice as above for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election of Commissioners to receive subscriptions to capital stock.

directors of the said incorporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and the money paid in to said directors, and the time and place of holding the first meeting of directors shall be fixed by the persons who act as inspectors aforesaid; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election notice shall be given at least two weeks, in a county newspaper published in Ocean and Monmouth counties; and in case it should happen that an election of directors should not be made during the day when pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but the said election shall be held as soon thereafter as possible, and public notice shall be given, as hereinbefore directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

General powers.

5. *And be it enacted*, That a majority of said directors shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company by such installments, not to exceed ten dollars on each share, at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter time than thirty days from each other; and in case of the non-payment of said installments or any parts of them, to forfeit the share or shares upon which such default shall arise, to and for the use of said corporation, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property,

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estate and effects of the said corporation, and also shall have power to appoint such officers, engineers, superintendents, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of New Egypt, in Ocean county, to some suitable point at or near the village of Farmingdale, in Monmouth county, in as near a straight line as the land will permit, with the privilege of connecting at either terminus with any railroad or railroads now or hereafter to be built, and of constructing a branch railroad to any marl beds or deposits in the county of Monmouth; the said railroad not to exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary.

May enter on lands, &c.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon the lands, bridges and waters, for the purpose of exploring, leveling, surveying and laying out the route of such railroad and branches, and of locating and subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road or its branches, or the alteration of location shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy

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

Proceedings when company and owners of land cannot agree.

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

materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situated, to remain on record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days' after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justices of the supreme court shall, on application of either party, and on reasonable notice to the other, tax and allow such costs, fees, and expenses, to the justice of the supreme court, commissioners and clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or

owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said lands or materials, upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be kept in repair.

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

May borrow money and secure the same by mortgage.

11. *And be it enacted*, That the said corporation shall have power to borrow from time to time such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises, and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

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Rates of fare, &c.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company for its uses, and to place on any railroad constructed by them under this act, all machinery, engines, cars, wagons, carriages or vehicles, and boats for the transportation of persons or any species of property as they may think fit, reasonable, expedient or right; and they are hereby authorized to demand and receive

such sum or sums of money for the transportation of persons and every species of property whatsoever thereon as they, from time to time, shall think reasonable and proper; *provided*, they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property, and four cents per mile for carrying each passenger on said railroads; and no charge shall be required to be less in the aggregate than ten cents; and that the railroad or roads, and their appendages, and all the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act. Proviso.

13. *And be it enacted*, That the said company may have and hold real estate at or near either terminus of their railroad, not exceeding six acres at each place, and at any other points along the line of said road, where the directors may think proper to establish depots, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, wharves, slips and other such buildings and improvements as they may deem expedient for the safety of the property and the construction of carriages, engines and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof. May purchase and hold real estate. Proviso.

14. *And be it enacted*, That the said company shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper, of the net proceeds thereof, and shall in like manner semi-annually declare such dividends and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively. Dividends.

15. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, May make contracts.

to make contracts and engagements with any other corporation, or with individuals, for transporting or carrying any kind of goods, produce, merchandise, freights or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully injure, impair, destroy or obstruct the use of any railroad constructed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered, with costs of suit, in any court having competent jurisdiction, in an action of debt.

Commencement of running cars.

17. *And be it enacted*, That when five miles of the said railroad shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Statement of costs and expenses to be made and filed

18. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipment, appendages, and expenses of said road; and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any parts thereof shall be in operation, [the said corporation] shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons, as other taxes assessed in said city or cities, township or townships;

provided, that no other tax or impost shall be levied or assessed upon said company. Proviso.

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

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the judges of the court of errors and appeals of this state, the state superintendent of public schools and the principal of the normal school, whilst Free passes.

traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

Limitation. 21. *And be it enacted*, That if the said railroad shall not be completed and in use from New Egypt to Farmingdale within six years from the first day of May next ensuing, then in that case this act shall be void.

Public act. 22. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall at all times be recognized as such in all courts and places whatsoever; *provided*, that this corporation shall not be exempted from the provisions of the act entitled an act to increase the revenue of the state of New Jersey, approved March sixth, eighteen hundred and fifty-eight, as qualified by the supplements thereto, approved March eighteen, eighteen hundred and fifty-nine.

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

Approved March 17, 1869.

CHAPTER CLXXXIV.

An Act to annex part of the Townships of Acquackanonk and Little Falls to the City of Paterson.

Boundary lines. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the territory which is embraced within the bounds hereinafter described, situate in the townships of Acquackanonk and Little Falls, in the county of Passaic, beginning at the point in the centre line of the Passaic river, on the east, where the southerly line of the city of Paterson intersects the same, running from thence, first, westerly and northwesterly along the southerly boundary line of said city of Paterson to the centre line of said river on the west; thence, second, southwesterly along the same to a point six hundred and fifty, (650) feet southwesterly from,

and measured along a line at right angles with the present southerly boundary line of said city; thence, third, southeasterly parallel with said southerly boundary line to the ledge of rocks at the intersection of the boundary line between the townships of Acquackanonk and Little Falls, on Garret Mountain; thence, fourth, southerly along the same to the northerly line of lands formerly belonging to James Close; thence, fifth, southeasterly along the same and the centre line of the Poor House Lane, or the Weasel Driftway, continued southeasterly to a point in the centre line of Crooks' Avenue; thence, sixth, easterly along the centre line of Crooks' Avenue to the centre line of Passaic river; and thence, seventh, northerly along the same, the several courses thereof to the beginning, and the same is hereby set off from the townships of Acquackanonk and Little Falls, and annexed to and made a part of the city of Paterson to all intents and purposes as if said territory had originally been a part of said city, and that the inhabitants of said territory, and their successors forever shall be members of the corporation created by the act incorporating said city, approved March nineteenth, eighteen hundred and fifty one; and that the charter of the said city of Paterson, and the several supplements thereto, as well as the act revising and amending the act to incorporate the city of Paterson, and the several supplements to the last named act, and all the ordinances heretofore passed by the president and council, or the mayor and aldermen of the city of Paterson, which have not been repealed, and the supplements to such ordinances now in force, shall have the same force and effect within the territory hereby annexed as they have heretofore had and now rightfully have within the original limits of the said city.

Annexed to city of Paterson.

2. *And be it enacted*, That the mayor and aldermen of the city of Paterson, and their successors, shall by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder which at the time of the passing of this act are legally or equitably vested in or belong to that part of the inhabitants of the township of Acquackanonk and Little Falls, in said territory, in their corporate capacity.

Property and rights vested in the city of Paterson.

3. *And be it enacted*, That the said territory shall be called the Ninth Ward of the city of Paterson.

Ninth ward.

Ward officers. 4. *And be it enacted*, That there shall be the same ward officers in the said Ninth Ward of said city as is now provided for in the act of the legislature, incorporating the said city of Paterson, or in any other act of the legislature, regulating the election of such ward officers.

Rights and privileges. 5. *And be it enacted*, That the inhabitants of the Ninth Ward, as hereby created, shall be vested with, and entitled to all the rights, powers, authorities, privileges and advantages, and be subject to the same regulations, government and liabilities to which the inhabitants of the several wards of said city are or may be entitled or subject to.

Place of holding charter election. 6. *And be it enacted*, That the next annual charter election, in and for the said Ninth Ward of the said city, shall be held at the hotel of Michael Quigley, and that John Sommers, Martin Gratzing and Richard Post, shall act as judges, and David D. Ackerman, as the clerk of said election.

Line of streets and avenues to be opened. 7. *And be it enacted*, That the streets, lanes, alleys, roads and avenues of so much of the territory above described, as lies east of Main street, or the Paterson and New York Plank Road, and south of the present division line between the city of Paterson and the township of Acquackanonk, be and the same shall be laid out, opened and made upon the base line of Crooks' avenue, in the above described boundaries.

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

Approved March 17, 1869.

CHAPTER CLXXXV.

An Act to incorporate the Camp Meeting Association of the Newark Conference of the Methodist Episcopal Church.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Cobb, James M. Tuttle, James V. Bentley, Jonathan T. Crane, Joseph Gatchell, Ichabod Searing, Amos Hoagland, Milton T. King, Jedediah B. Bassinger, Charles S. Coit, Peter Smith and

Henry A. Buttz, and their associates and successors, are hereby constituted a body corporate and politic under the name of "The Camp Meeting Association of the Newark Conference of the Methodist Episcopal Church," for the purpose of providing for the Newark Conference of the Methodist Episcopal Church a proper, convenient and desirable permanent camp meeting ground in this state. Name.

2. *And be it enacted*, That it shall be lawful for said corporation to acquire such lands in this state, in fee simple or otherwise, as they may deem necessary, proper or desirable for the purposes and objects of the corporation, and the same or any parts thereof to dispose of in parcels, or otherwise, as they may see fit, on lease, perpetual or otherwise, or in fee simple or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state, as they may see fit; *provided however*, that said land or any part thereof shall not be at any time diverted or alienated from the purposes declared in the first section of this act, without the consent of said conference thereto first had and obtained, and that the powers of said corporation to convey or lease said land, or any part thereof, shall always be deemed and taken to be subject to this proviso. May acquire and hold land. Proviso.

3. *And be it enacted*, That it shall be lawful for said corporation to construct and provide all necessary works to supply the said premises with water and artificial light, and to provide all other conveniences which may be necessary or desirable. Water and light, how provided.

4. *And be it enacted*, That the affairs of said corporation shall be managed by twelve trustees; the persons named in the first section of this act shall be the first trustees of said corporation, and shall hold their offices until others are chosen in their stead; as soon as conveniently may be after the approval of this act, said persons named in the said first section shall be convened by notice in writing, signed by a majority of them, and at the place designated for the meeting, which shall be in this state, those of said persons present, provided they be at least three in number, shall proceed to designate by lot the term of office of each of said persons named in said first section, of whom four shall hold their office until the first annual election of trustees, four shall hold until the second of said annual elections, four until the third of said annual elections and four until the fourth of said annual elections. Affairs to be managed by trustees.

Notice of election of trustees to be made.

5. *And be it enacted*, That at each annual camp meeting of said conference there shall, on three days' written notice, to be posted in one of the most public places of said camp ground, be elected by the owner or owners, lessee or lessees of the lots of said ground (one vote only, however, is to be allowed for or in respect of each lot, notwithstanding there may be a greater number of owners or lessees thereof,) four trustees, being owners or lessees of lots of said ground, to hold their offices for three years, and until their successors shall be chosen.

Trustees to elect officers.

6. *And be it enacted*, That said board of trustees shall, from their own number, appoint a president, secretary and treasurer, and may appoint any other officers of the corporation they may think proper, and may pass and enforce such by-laws as they may see fit; *provided*, the same be not repugnant to the laws or constitution of this state or of the United States.

Proviso.

Amount in value of real estate that may be owned

7. *And be it enacted*, That the real and personal property of said corporation (said real estate not to exceed in annual value three thousand dollars) shall be exempt from all taxation and assessment.

Police powers.

8. *And be it enacted*, That said trustees shall have power to appoint such number of peace officers as they may deem necessary for the purpose of keeping order on their camp ground and premises, which officers shall be paid by said trustees for their services, but shall have, when on duty, the same powers, authority and immunities which constables and other peace officers under the laws of this state possess or enjoy, when on duty as such, and they shall have power to enforce obedience on said ground and premises to any regulation of said trustees for the preservation of quiet and good order.

Religious services, how directed.

9. *And be it enacted*, That the religious services and meetings in said camp ground shall at all times be under the direction of a committee for that purpose, to be appointed annually by said conference.

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

Approved March 17, 1869.

CHAPTER CLXXXVI.

An Act to confirm and establish the incorporation of the President and Trustees of the Baptist Church and Congregation at the Scotch Plains.

Preamble.

WHEREAS, the Baptist church and congregation at Scotch Plains, in the county of Union, has been organized for many years, and did, on the twentieth day of February, seventeen hundred and eighty-eight, elect six trustees, who afterwards, on the sixth day of March, seventeen hundred and eighty-eight, did execute under their hands and seals a certificate of the incorporation of said church and congregation, under the corporate name of "The President and Trustees of the Baptist Church and Congregation at the Scotch Plains," pursuant to the provisions of an act of the legislature of this state, passed the sixteenth day of March, seventeen hundred and eighty-six, as appears by their certificate yet existing among the records of said church; and whereas, said certificate was, on the first day of June, seventeen hundred and eighty-eight, recorded in the office of the clerk of the county of Essex, in the book of records of incorporated congregations, as appears by the endorsement of the then clerk of said county upon said certificate; and whereas, the said book has been lost or destroyed, and doubts have been expressed as to the said incorporation, therefore, to put at rest such doubts, and to confirm said incorporation,

Record of certificate legalized and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the corporate powers and privileges acquired or obtained by said "The President and Trustees of the Baptist Church and Congregation at the Scotch Plains," by the filing and recording of said certificate be, and the same are hereby confirmed and declared to be as valid and effectual as if the said book of records and the record of said certificate therein remained in the said clerk's office, and that Joseph C. Buchanan, Lewis H. K. Smalley, Jared S. Stout, Orlando M. Putnam, Henry Hetfield, junior, William H. Darby, Randolph G. Silvers, Aaron L. Jimerson, Nathaniel Drake, David Hand, Henry F.

Stites, Jacob Randolph, Anthony Dobbing, William Archbold, now members of said church and congregation, and such other persons as now are or may hereafter become members of said church and congregation, be and they are hereby declared to have been and to be a body corporate under the name of "The President and Trustees of the Baptist Church and Congregation at the Scotch Plains," and by that name to have succession, and to be capable of suing and being sued, of pleading and being impleaded, and to have a corporate seal and the same to alter at pleasure, and shall be capable of taking by gift, grant, purchase, or otherwise, and holding and using any real or personal property for the purposes of said incorporation.

Name.

Election of trustees.

2. *And be it enacted*, That the said "The President and Trustees of the Baptist Church and Congregation at the Scotch Plains" shall, on the first Monday of April, eighteen hundred and sixty-nine, and on that day annually thereafter, elect by ballot, by the votes of the majority of the members of said church and congregation present at such election, seven trustees, who shall be members of the said church in good standing, who shall manage and control the affairs of said incorporation until others are elected in their places, and until the said first Monday of April, eighteen hundred and sixty-nine, Jared S. Stout, Warren Ackerman, Henry Hetfield, junior, Henry F. Stites, James C. Lyon, Randolph G. Silvers and Isaac H. Moore, now the trustees of said church, shall continue to manage and control the affairs of said incorporation.

Preamble.

AND WHEREAS, Samuel Brooks and Daniel Drake and their wives, by their deed dated September eighth, seventeen hundred and seventy-five, did convey certain lands in said county of Essex unto John Stites, Nathaniel Drake, Richard Runion, Jeames Bonel, William Darby, and Jeames Miller, junior, who are in said deed recited to be a committee chosen by the Baptist Congregation at the Scotch Plains, to receive a deed of sale from said Brooks and Drake for said lands, which are to be and continue for a parsonage for said congregation; and whereas, the said the president and trustees of the Baptist Church and Congregation at the Scotch Plains have ever since been in possession and use of said lands, and of other lands whereon their place of worship is erected, which lands in the whole are described as follows: The first tract, beginning in the

northerly line of the road leading from Scotch Plains to Rahway, at the corner of lands of Sarah Bartle, and running as the needle pointed January fourteenth, eighteen hundred and sixty-nine, north forty-one degrees and fifteen minutes west, eleven chains to a corner of said road, and the road leading from Scotch Plains to Springfield; from thence running along said road to Springfield, north forty-six degrees and fifteen minutes east, thirteen chains and twenty-three and one-half links to the corner of lands belonging to Jared S. Stout; from thence along his line south forty-two degrees and twenty-five minutes east, eleven chains to a corner in said lot of land, in line of lands belonging to Antoine Debaud; and from thence along Debaud's line and line of Sarah Bartle aforesaid, south forty-three degrees and fifteen minutes west, fourteen chains and seventeen and one-half links to the place of beginning, containing fifteen acres and forty-five hundredths of an acre of land, be the same more or less; the second tract, situate and lying on the first mountain, in the township of Warren, in the county of Somerset, beginning at a chestnut sapling, being the northeast corner of land formerly belonging to Daniel Hand; thence running as the needle pointed May sixteenth, seventeen hundred and sixty-nine, southwest twelve chains and fifty links to a stake; thence south fifty degrees east, eight chains and thirty links to a walnut sapling marked on four sides; thence north thirty-six degrees east, fifteen chains and thirty links; thence south sixteen degrees east, two chains and thirty-three links to Daniel Lovet's line; thence by the same, north forty-four degrees east, eleven chains to a walnut tree marked for a corner; thence north seventy degrees west, three chains and seventy-five links to a heap of stones; thence south sixty degrees west, four chains to a stake to the corner of said Darby's other land; and thence a straight course on said Darby's line to the beginning corner, containing fifteen acres and three-quarters of land, be the same more or less; and whereas, said corporation desires to erect a new and more commodious place of worship, and to raise the funds for that purpose, desire to sell the said lands or some part thereof, and doubts are expressed of the ability of said corporation to sell the same, or to make a good and valid title therefor to the purchaser or purchasers; therefore,

3. *And be it enacted*, That the said "The President and

Empowered to sell and convey lands.

Trustees of the Baptist Church and Congregation at the Scotch Plains," are empowered to sell and dispose of said lands or any part thereof, and to convey the same by deed or deeds of conveyance, sealed with the seal of said corporation, and signed by the president of the trustees thereof for the time being, which deeds when so executed and duly acknowledged or proved and delivered, shall convey to and vest in the purchaser or purchasers of said lands or any part of the same, a valid title thereto in fee simple, free and discharged of all manner of trusts whatsoever, and the purchase money received for such sales shall be applied by said trustees for the use of said corporation; *provided always*, that nothing herein contained shall authorize the sale of that part of said lands which has been or is now used as a cemetery or burial place.

Proviso.

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

Approved March 17, 1869.

CHAPTER CLXXXVII.

An Act to establish the boundary or division line between the townships of Lebanon and Bethlehem, in the county of Hunterdon.

Surveyor to fix boundary line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Tompson, a surveyor of the county of Somerset, is hereby directed and empowered to survey and fix the boundary or division line between the townships of Lebanon and Bethlehem, in the county of Hunterdon, and who shall so survey, fix and establish said line, and file a survey of the same in the office of the clerk of the county of Hunterdon, on or before the first day of July next ensuing.

Notice to be given.

2. *And be it enacted*, That the said surveyor shall be required to give five days' notice of the day or days upon which

he will survey, fix and establish such line, to the township committees of said townships respectively.

Expenses, how defrayed.

3. *And be it enacted*, That the costs, charges and expenses incurred in so fixing, surveying, establishing and filing the same, shall be paid by the inhabitants of said townships, that is to say, one-half to be paid by the inhabitants of the township of Lebanon, and the other one-half by the inhabitants of the township of Bethlehem, in the same manner as other bills and charges are now paid by law.

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

Approved March 17, 1869.

CHAPTER CLXXXVIII.

An Act to enable the Trustees of School District Number Two, comprising part of the township of Acquackanonk, in the county of Passaic, and parts of the townships of Lodi and Union, in the county of Bergen, to purchase land and erect a school house thereon, and to raise money to pay for the same.

School building to be erected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number two, described in the title to this act, be and they are hereby authorized to purchase and hold, in their corporate name, a suitable lot of land, and to erect thereon a building for the public school in said district, with the necessary fences, out-houses and conveniences, and to provide said school with proper furniture, apparatus and fixtures; and to pay the costs and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding twenty-five thousand dollars in the whole, and to issue bonds in the corporate name of said trustees, for the payment of the moneys so borrowed, with interest, as hereinafter provided; and that the bounds of said school district be so extended as to embrace all the territory lying

within the corporate limits of the village of Passaic, as the same now exists or hereafter may be established.

Amount of bonds that may be issued.

2. *And be it enacted*, That the bonds to be issued as aforesaid, shall not exceed in the aggregate, twenty-five thousand dollars of principal, and shall be of such denominations as the said trustees shall deem proper, but not exceeding two thousand dollars each, and shall bear interest at the rate of seven per centum per annum, payable yearly or half-yearly as the trustees shall determine, and the sum of two thousand dollars of the principal of said bonds shall be made payable in each and every year after the date or issue thereof; and the said bonds may be sold or disposed of by the said trustees at not less than their par value.

Payment provided for.

3. *And be it enacted*, That to provide for the said yearly payment of two thousand dollars of principal of the said bonds, and of all interest accruing upon the same, it shall be the duty of the trustees of said school district number two, to apportion the amount of money necessary to be raised for that purpose in each previous year, including the present year, among those portions of the said townships of Acquackanonk, Lodi and Union, which are embraced within said district, in proportion to the estates and property of persons within said respective portions liable to be assessed and taxed for school purposes; and the said trustees shall notify, in writing, the assessor of each of said townships before making his annual assessments of the amount of money so apportioned to and required to be assessed and raised in that year for the purposes of this act in that portion of said district within his township; and the same shall be assessed and levied, raised and collected in each year in the said portions of said school district, by the assessors and collectors respectively of the said townships embracing the same, and be paid over to the trustees of said district, at the same time and in the same manner, and under the same liabilities, as the other moneys raised for said district are assessed, collected and paid, until all the bonds authorized by this act shall be fully paid and satisfied; and the moneys so to be paid to said trustees shall be appropriated to the purposes authorized by this act; and the taxable property within the said school district, and of the inhabitants thereof, in the proportion aforesaid, shall be and remain liable to assessment and taxation from time to time, for the purposes and in the manner

provided by this act, until all the bonds to be issued by virtue hereof shall have been fully paid and redeemed.

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

Approved March 17, 1869.

CHAPTER CLXXXIX.

An Act to enable the owners of the Drowned Lands in the County of Sussex to drain and reclaim the same.

Preamble. WHEREAS, it is represented to the legislature that there is a large tract of land, containing more than twenty thousand acres of low marshy ground, usually called and known as "The Drowned Lands," lying on both sides of the Wallkill river, in the county of Sussex, in the state of New Jersey, and in the county of Orange, in the state of New York; and that by proper drainage the said lands may be made more valuable and productive, and the surrounding country rendered more healthful; and whereas, the existing law of this state is not sufficient to enable the owners of the said lands effectually to drain and reclaim the same; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners of that part of the lands and meadows lying on both sides of the river Walkill, usually called and known as "The Drowned Lands," which lies in the county of Sussex, be and they are hereby created and made a body politic and corporate, by the name and style of "The Drowned Land Company." Name.

Election of directors. 2. *And be it enacted*, That Lewis Dunn, Andrew Vansyckle, Thomas Lawrence, Clarkson Bird, Caleb K. Scott and Jacob Martin be and they are hereby appointed commissioners, who or a majority of whom shall appoint a time and place of meeting of the said owners of the said drowned land, in the said county of Sussex, for the purpose of elect-

ing six directors of the said company, giving at least fifteen days' notice thereof by advertisements published in two newspapers printed and circulating in the said county of Sussex, and set up in three public places in each of the townships of Wantage and Vernon in said county; and that the said commissioners, or any three of them, shall be inspectors of the said election, and at the time and place so appointed shall receive the votes of the said owners, given in person or by proxy; and at such election and at all subsequent elections each owner of twenty acres or less of the said lands shall be entitled to one vote, and for every additional twenty acres one additional vote; and the directors so chosen shall continue in office for one year and until others are elected and qualified in their stead; and the annual election of directors shall, on like notice, be held on the first Tuesday of May of each year thereafter.

Powers of directors.

3. *And be it enacted*, That it shall be the duty of the said directors so elected, having first severally taken and subscribed an oath or affirmation before some person qualified to administer the same, faithfully, justly and honestly, to execute the duties of their said office, to proceed forthwith to ascertain and determine by survey or otherwise the names of the owners of the said meadow lands, and the number of acres belonging to each, and to estimate the rate and proportion of money per acre, which such owner shall pay for and towards the expenses of draining and improving the said meadows in proportion to benefits to be received by them respectively, and to make a list of the names of the owners, and of the number of acres of each and the rate and proportion of money so estimated for the same, and to file a copy thereof in the office of the clerk of the said county.

Further powers.

4. *And be it enacted*, That it shall be the duty of the said directors, and they are hereby authorized and empowered to remove all bars, logs, trees, eel-wiers, fishing nets and other obstructions of every kind and nature from the said Wallkill river, and the several tributaries thereto; and to widen, straighten and deepen the channel of the said river, so as effectually to drain the said meadows and reclaim the same, and for that purpose the said directors shall have the right and power of free ingress and egress for themselves and their workmen and teams through any lands necessary thereto, and to use and occupy any portion of the land adjacent to the said river or to its tributaries, necessary for the

deposit of earth, stones or other substances removed from the said river and its tributaries, and to contract with the owners of the said land so to be used for any damage sustained by reason thereof; and in case of a disagreement between them, or of the disability of the owner to make a contract, either party may apply to one of the judges of the court of common pleas of said county, whose duty it shall be, on ten days notice by him given to each of the parties, at the time and place mentioned in the said notice, to appoint three disinterested, competent freeholders resident in the said county, commissioners to ascertain and assess the damages sustained by the said owner.

Assessment of damages to be made.

5. *And be it enacted*, That the commissioners so appointed (having first taken and subscribed an oath or affirmation before some person qualified to administer the same, faithfully, justly and impartially to examine the matter in question, and make a just and equitable award concerning the same, according to the best of their skill and understanding), shall proceed to view and examine the premises, and estimate the injury done thereto, taking into consideration the benefits done to the same by the said improvement, and make a just and equitable assessment of the damages sustained by the said owner, and make a report in writing under the hands of the said commissioners, or any two of them, ready to be delivered to the party requiring the same; and the said directors shall, within thirty days after notice to them of the said report, pay to the said owner the amount of money so assessed and awarded, or on failure so to do, they and each of them shall become personally liable therefor, to be recovered in an action of debt against them in any court having jurisdiction thereof.

Proceedings in case the company or owners are dissatisfied with report.

6. *And be it enacted*, That if the said directors or the said owner think themselves or himself aggrieved by the award of the said commissioners, they or he may appeal to the circuit court of the said county at the first or second term after notice of the said award; and the said court, upon the filing therein of a petition of appeal, shall have jurisdiction of said matter in controversy, and full right and authority to hear and adjudge the same, and to direct an issue, and order a jury of view, and to try the said issue upon like notice and in like manner as other issues are tried; and the jury shall assess the damages sustained by the owner, taking into consideration the benefits to the premises from said improvement; and

if the jury shall find and assess the damages at a sum greater than that awarded by the commissioners, judgment shall be entered against the said company for the amount of the verdict, with the costs of proceedings on appeal to be taxed, and if the same shall not be paid within thirty days after entering of the said judgment, then the said directors and each of them, shall become personally liable for the same, to be recovered by action of debt on the said judgment, in any court having jurisdiction thereof; but if the jury shall render a verdict for a sum of money not greater than that awarded by the commissioners, then the said owner shall be liable for the costs of the proceedings on the appeal, to be taxed and judgment be entered and execution issued therefor.

Directors to revise and amend list of names and apportionment.

7. *And be it enacted*, That the said directors shall, at the expiration of twelve months next after making and filing the list of the names of the owners and estimate and apportionment of the expenses as aforesaid, and every twelve months thereafter, and oftener if they deem fit, revise, correct and amend the said list and apportionment, giving fifteen days' notice of the time and place of such revision, by advertisements set up in three public places in each of the said townships of Wantage and Vernon, and at such time and place shall hear the allegations of the owners, and examine such evidence of title and other proofs as they may exhibit; and if the said owners, or any of them, shall think themselves or himself aggrieved by any such list of names and of acres of land and apportionment of expenses, he or they may appeal to the circuit court of the said county, at the first or second term of said court, after notice of the list and apportionment, or the filing thereof; and the said court shall have jurisdiction of the said appeal, and shall hear and determine the matter in controversy, in like manner as is provided by the sixth section of this act.

Amonnts assessed to be a lien on lands until paid.

8. *And be it enacted*, That the sum and sums of money that shall from time to time be expended in draining and reclaiming the said meadows shall be assessed upon the said lands and against the owners thereof, according to and at the rates of the said apportionment, and shall be and become a lien upon the said lands respectively, and have priority over any judgment or mortgage thereon or conveyance thereof; and if the owner thereof shall fail to pay the amount so assessed from time to time within thirty days after notice and demand of the same in writing, it shall be lawful for the di-

rectors to sell the said land at public auction, giving the like notice of the time and place of sale as is required by the laws of this state regulating the sales of real estate made under a public statute or the direction of a court; and the said directors shall make and deliver to the purchaser a deed of conveyance of the said premises, and thereby all the right, title and estate of the said owner at the time of such assessment shall pass to and vest in the purchaser and his heirs and assigns; *provided nevertheless*, that the said owner or his heirs or assigns shall have the right to redeem the said land and be restored to the title and use of the same on payment to the purchaser within two years next after the said sale, the amount of money paid by him, with interest thereon at the rate of ten per centum per annum; *and provided also*, that if any owner of said land shall reside out of this state or cannot be found therein then notice of such assessment shall be given by advertisement published in two newspapers printed in said county for thirty days. Proviso. Proviso.

9. *And be it enacted*, That of the moneys arising from the sales of such lands, the said directors shall pay the amount so assessed against the said owner, with lawful interest thereon, and the costs and expenses of the said sale, and the residue, if any there be, to the said owner or to his lawful representative. Residue of money from sales how applied.

10. *And be it enacted*, That if any person, after the passage of this act, shall place or caused to be placed or lodged in the said Wallkill river, or in any of its tributaries, any eel-weir or fishing net, or stake, log, pole or other obstruction of the flow of the water therein, such person shall be liable to a penalty of twenty dollars for every such offence, to be sued for and recovered by the said directors in any court having jurisdiction thereof. Penalty for causing obstructions.

11. *And be it enacted*, That the commissioners appointed by any judge of the court of common pleas shall be entitled for their services to the sum of three dollars per day and their necessary expenses, to be paid by the party who applied for their appointment; and the directors of the said company shall be allowed for their services three dollars per day for every day of their actual service, together with their necessary expenses, to be paid out of any funds of said company. Compensation

12. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 17, 1869.

CHAPTER CXC.

Supplement to an act entitled "An Act respecting executions, and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six.

Bank notes and evidences of debt may be sold under execution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That bank notes, bills or other evidences of debt, circulated as money, or any share or interest in any bank, insurance company or other joint stock company within this state, that is or may be incorporated or established under the authority of the United States, belonging to the defendant in execution, may be taken and sold by virtue of such execution, in the same manner as goods and chattels.

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

Approved March 17, 1869.

CHAPTER CXCI.

An Act to incorporate the Dime Savings Bank of the City of Rahway.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That D. W. C. Hough, H. W. Holton, Nathan Robins, John Manning, Ira Laforge, George P. Gordon, David P. Carpenter, Samuel Dalley, John C. Coddington, James Vanderhoven, Philip Brown, H. H. James, T. H. Morris, R. N. Edgar, William M. Esler, James H. Clark, William M. Willson, Lewis C. Potter, D. F. Coles, Isaac Inslee, junior, Thomas M. Martin, be and are hereby constituted a body corporate and politic, by the name of "The

Dime Savings Bank" of the city of Rahway, and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors any real estate in fee simple or otherwise, and any goods and chattels, or personal estate, which shall be necessary for the purpose herein mentioned, and of selling, leasing or otherwise disposing of the said real and personal estate, or any part thereof at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars. Name and object. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by nine managers elected by ballot, from among the number of the above named incorporators, five of whom shall be a quorum to transact business, and at least five shall be residents of the city of Rahway, and the seat of any manager who shall have neglected to attend for four consecutive meetings may be vacated by the board; the managers shall meet annually on the first Monday in April, and choose one of their number as president, they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year, or until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security if required for the faithful execution of the duties of their office, in such sum or sums, and such securities as may be directed by the board of managers. Business to be conducted by a board of managers.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, and of the United States of America, and such by-laws and regulations shall be put up in some public and conspicuous place, in the room where the business of said institution shall be conducted, and shall not be Powers of managers. Proviso.

altered so as to affect injuriously any one who may have been a depositor previous to the alteration.

May receive deposits.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested in such amounts and at such times and on such terms as the by-laws shall prescribe; which shall be invested accordingly and shall be repaid to the depositors at such times and with such interest and under such regulations as the board of managers shall from time to time prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

May regulate rate of interest

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Proviso.

President or managers shall not receive emolument.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Stocks in which money may be invested.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Ohio, Kentucky, Tennessee, Missouri, Massachusetts and Pennsylvania, or in stocks or bonds of the cities of Elizabeth, Rahway, New Brunswick, Newark, Jersey City, and bonds of the counties of Middlesex, Union, Essex, Bergen, Hudson, in this state, or the cities of New

York and Brooklyn, in the state of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested, nor in stocks or loans of any incorporated company whatever.

Certificates of deposit binding.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution shall be as binding as if the same were made under their common seal.

Minors may make deposits and receive moneys.

9. *And be it enacted*, That it shall be lawful for the said institution at their discretion to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband, nor liable for his debts, nor shall money deposited by single women be subject in case of marriage to the use or control, nor liable for the debts of the future husband.

Proviso.

Registration book to be kept.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of said institution.

Interest on deposits.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month.

Regular books to be kept.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual report to be made.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the city of Rahway.

Vacancies, how filled.

14. *And be it enacted*, That the managers shall have the power to fill up by ballot, at a regular meeting, after notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Place of business, &c.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Rahway, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may, from time to time, appoint for that purpose.

Agreement may be made for borrower to pay taxes.

16. *And be it enacted*, That it shall and may be lawful for the said institution and the borrowers or lenders of any money secured by mortgage on real estate, to enter into a contract or agreement, whereby the borrower shall pay any part or all of the national, state, county or city taxes, which may be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements are hereby made and declared to be valid and effectual in law; and no such mortgage or other security shall be held, deemed or taken, in any court of this state, to be usurious or invalidated by reason of any such contracts or agreement, anything in any existing law of this state to the contrary notwithstanding.

Public act.

17. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described, so as to ascertain the intention of the parties; *and provided, also*, that the legislature may, at any time hereafter, amend or modify this act.

Proviso.

Proviso.

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

for twenty years, unless sooner repealed, and shall take effect immediately. Limitation.

Approved March 18, 1869.

CHAPTER CXCII.

An Act to authorize the opening and clearing out of Cat Tail Brook, in the counties of Mercer and Monmouth.

WHEREAS, upon the application of Hetty Newell and others, the surveyors of the highways of the township of East Windsor, in the county of Mercer, and the surveyors of the highways of the township of Upper Freehold, in the county of Monmouth, and the chosen freeholders of said townships laid out a ditch or watercourse known as Cat Tail Brook in said townships, and caused a return of the same to be made with a survey thereof, which survey was recorded in the clerk's office of Mercer county on November third, eighteen hundred and fifty-three, and in the clerk's office of Monmouth county on January seventeenth, eighteen hundred and fifty-four; and whereas, pursuant to the act entitled "A Supplement to 'An Act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose,'" passed November twenty-fourth, seventeen hundred and ninety-two, which act was approved March fourth, eighteen hundred and fifty-two, a meeting of the owners of the land to be benefited by said drain or watercourse, or who were to be benefited thereby, was duly called and held, and managers, a treasurer and clerk were duly elected, and said managers caused said drain or watercourse to be opened and cleared out, but the same has since become filled up so that no benefit is derived therefrom, and it is doubtful whether the managers can proceed to open the same again under said act; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That within six months after the Notice to be given of the election of managers.

passage of this act it shall be lawful for any two or more of the owners of land to be benefited by said drain or watercourse to call a meeting of the persons through whose land the said drain or watercourse is laid, or who are to be benefited thereby, by written or printed notices served upon the owners of all the land, meadow and swamp, embraced within the limits of said survey, either personally or by leaving the same at their usual place of abode, or by publishing the same in one of the newspapers printed and published in either of said counties and circulated in said neighborhood, for at least two weeks prior to said meeting; and when assembled, the said owners or persons interested as aforesaid shall and may, by a plurality of the votes of those met, choose one or more manager or managers, a treasurer and clerk, who shall hold their offices for one year and until others are elected.

Duties of the managers.

2. *And be it enacted*, That it shall be the duty of the said manager or managers to proceed and cause the said ditch or drain and the said watercourse to be cut, dug, cleared out, opened and completed as directed by the said survey, and the return of said surveyors and freeholders, and also to keep and continue the same so made, opened and cleared out, and the said manager or managers are fully authorized and empowered from time to time during the progress of the work, or whenever occasion may require, to make out an estimate or estimates of the expense thereof, under his or their hand or hands, and cause the same to be recorded in the clerk's book of said company, and shall assess the same ratably on all the land that is embraced within the said survey, agreeably to the quantity each owner may have within the said survey, and in proportion to the benefit to be derived therefrom; and shall state the said assessments in a regular duplicate, containing the names of the owners, the number of acres and parts of acres held by each, which duplicate shall be signed by the said manager or managers, and delivered to the treasurer, and said assessments so made, and each of them, shall be payable by the said owners respectively to the treasurer.

Proceedings when owners refuse to pay assessments.

3. *And be it enacted*, That if the said owners or any of them shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of twenty days after notice to him, her or them, served personally or left at their places of abode respectively, or published in any newspaper printed and published in either of said counties of Mercer or

Monmouth, and circulated in said neighborhood, it shall and may be lawful for the said treasurer, in his own name, but for the use of said company, to recover the amount thereof in an action of debt or otherwise, in any court having cognizance thereof, with interest from the time when the same became payable, and that it shall be sufficient in such action to declare for money laid out and expended, or for money due on assessment, and to give the assessment or other special matter in evidence, and on proof of the assessment and notice as aforesaid, the court in which such action may be brought shall give judgment for the sum assessed or due, with interest and costs, and for the purposes of pleading and evidence this act shall be deemed a public act.

Vacancies, how filled.

4. *And be it enacted*, That in case a vacancy or vacancies shall happen in the office of manager, by death, the surviving manager or managers, or in case of resignation or refusal to serve, the remaining manager or managers shall have and exercise the same powers as hereinbefore granted to the managers elected by said owners; and in case of vacancy, at any time, in the officer of manager, treasurer or clerk, by death or otherwise, the surviving or remaining officers shall have power to appoint proper officers to fill such vacancies until others are elected; and officers so appointed shall have the like powers as officers elected as hereinbefore mentioned, including the power of appointment to fill vacancies.

Election to be annual

5. *And be it enacted*, That it shall and may be lawful for the said owners to meet and assemble statedly, yearly, and every year after the first meeting of said owners, at such time and place as a majority of those met at the first meeting may have appointed, and at any such meeting thereafter, by ballot or otherwise and plurality of votes of those met, appoint a manager or managers, treasurer, and clerk, as aforesaid, to continue for one year, and from thence until others others are appointed to supply their places; and the manager or managers, treasurer and clerk so appointed, shall have the like powers as those before mentioned; *provided always*, that in all the meetings of the said owners, each shall be entitled to one vote for each acre he holds within the aforesaid survey; and nothing in this act contained, shall be construed to prevent a manager from being treasurer, clerk, or both.

Proviso.

Special powers.

6. *And be it enacted*, That the said manager or managers, whenever he or they may deem it expedient, are hereby author-

ized and empowered to deviate from the course laid out in said survey, for said drain or water-course, for the purpose of straightening the same, upon obtaining the consent in writing to such deviation, of the owner or owners of the land through which said course is changed, and in such case for the purpose of this act, the course shall be considered as if laid out according to such survey; and for the purpose of this act any person having a legal life estate in any of the lands embraced within said survey, shall be considered an owner of said land.

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

Approved March 18, 1869.

CHAPTER CXCIII.

A Supplement to an act entitled "An Act to incorporate the Burlington County Marl and Transportation Company," approved April sixth, eighteen hundred and sixty-six.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the said Burlington County Marl and Transportation Company shall hereafter be known by the name of "The Vincentown Marl Company."

May increase capital stock.

2. *And be it enacted*, That the said company shall have power to increase their capital stock to any amount not exceeding five hundred thousand dollars.

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

Approved March 18, 1869.

CHAPTER CXCIV.

An Act to incorporate the New Jersey Pottery Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elias Cook, John Woolverton, Caleb S. Green, Barker Gummere and Nathaniel E. Britton, and their associates be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of the "New Jersey Pottery Company," for the purpose of manufacturing, selling, and dealing in earthenware and crockery of various descriptions, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of twenty-five thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Name and object.

Amount of capital stock.

May purchase and hold real estate.

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient, for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Directors, how elected.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and the first directors shall be chosen at a meeting to be called by three of said stockholders, upon five days notice to each stockholder, and shall hold their office for one

year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Not dissolved by failure to elect

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement required

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for

Proviso.

the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable. Restrictions and liabilities.

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

Approved March 18, 1869.

CHAPTER CXCV.

An Act to incorporate the Missionary and Church Extension Society of the Methodist Episcopal Church of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore Runyon, Cornelius Walsh, Henry Wilde, Benjamin J. Wood, Reverend Jonathan T. Crane, D. D., and Reverend Bartholemew Weed, and their associates and successors, being members of the Methodist Episcopal Church, and resident of the city of Newark or its vicinity, in this state, be and they are hereby constituted a body corporate, by the name of "The Missionary and Church Extension Society of the Methodist Episcopal Church of Newark," and by that name shall have perpetual succession and exercise, and be clothed with the powers and privileges enumerated in the first section of the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and shall be capable of holding, taking and receiving by purchase, gift, grant, devise, bequest or otherwise, and of conveying, mortgaging and granting all such property and estate, real, personal or mixed, as may be necessary or proper for the purposes and objects of Corporators. Name. General powers.

Proviso. the corporation; *provided*, that the yearly value of the property which said corporation shall at any one time hold shall not exceed fifty thousand dollars.

Object. 2. *And be it enacted*, That the objects of said corporation shall be the furtherance and promotion of the Methodist Episcopal denomination of Christians in the city of Newark and its immediate vicinity.

Election of managers. 3. *And be it enacted*, That the management of the affairs and concerns of said corporation shall be vested in so many managers, not exceeding thirty-nine, as the by-laws may provide to be elected at the annual meeting of the members of said corporation, by the members of said corporation, each member to be entitled to one vote at every such election, and to hold their offices for one year and until their successors be chosen; nine of said managers shall be a quorum to transact business; said managers shall elect from their own number a president, vice president, secretary and treasurer, and such other officers as the by-laws of the corporation may provide; said annual meetings shall be held on the last Monday in April.

First managers. 4. *And be it enacted*, That the present officers of the association known as "The Missionary and Church Extension Society of the Methodist Episcopal Church of Newark," and the managers now appointed and who may be appointed thereto by the Methodist Episcopal Churches of said city prior to the first annual meeting of said corporation, shall be the first board of managers of said corporation, and shall continue to be such until their successors be chosen.

Property free from tax or assessment. 5. *And be it enacted*, That the real and personal property of said corporation held and used for the purposes contemplated by this act shall not be subject to tax or assessment.

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

Approved March 18, 1869.

CHAPTER CXCVI.

A Further Supplement to "An Act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the court of common pleas of the several counties of this state, shall each receive three dollars per diem for every day's attendance at court. Compensation of judges.

2. *And be it enacted*, That the criers of the circuit courts and courts of common pleas of the several counties of this state, shall each receive two dollars per diem for every day's attendance at court. Compensation of criers.

3. *And be it enacted*, That the act entitled "A further supplement to an act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April sixth, eighteen hundred and sixty-five, and also the act under the same title approved April fourth, eighteen hundred and sixty-seven be, and the same are hereby repealed. Repealer.

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

Approved March 18, 1869.

CHAPTER CXCVII.

An Act to authorize the United Railway and Canal Companies to issue additional stock.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the United Railway and Canal Companies, to wit: The Delaware and Raritan Canal Company, The Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, be and they are hereby authorized, from time to time, to increase the capital stock of the said companies in the following amounts, that is to say, the capital stock of the Delaware and Raritan Canal Company, three millions of dollars; the capital stock of the Camden and Amboy Railroad and Transportation Company, three millions of dollars; and the capital stock of the New Jersey Railroad and Transportation Company, three millions seven hundred and fifty thousand dollars; said stock to be divided into shares of one hundred dollars each, and to be issued in such amounts, from time to time, on such terms as to payment, and in such manner as the joint board of directors of the said companies shall deem expedient and proper.

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

Approved March 18, 1869.

CHAPTER CXCVIII.

An Act to incorporate the Jackson Club of the State of New Jersey.

Corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Jackson, William H. Anderson, Zebulon Post, Daniel McEver, Ignatius Buckman, John White, John B. Lacour, Marmaduke Anderson, George T. Patterson, William Bishop, Samuel Lawrence, William Hoffman, William H. Walcott, George Falke, John Cornwell, Daniel Phelan, Emmett H. Smith, George Gooday, James E. Colgrove, George Borstmann, Nathaniel Buckbye, and their successors, be and they are hereby created a body corporate and politic, by the name of "The Jackson Club, of the State of New Jersey," and by that name shall be known and located in the county of Monmouth, in said state of New Jersey, as aforesaid.

Name.

Management.

2. *And be it enacted*, That the business of said corporation shall be managed by said corporators, or such a number of them as they shall fix for that purpose by their by-laws, and they shall elect from their number a president, and such other officers as they may from time to time see fit.

Vacancies, how filled.

3. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of this corporation, and all vacancies by death, resignation or retirement in the said board of trustees, shall be filled by the board without unnecessary delay; and at least a majority of the trustees shall be necessary for the election of a trustee of the said corporation, and if any trustee shall neglect or refuse to attend the meetings of the board for the space of six months, the said board may, in its discretion, by a vote of a majority of the board, declare the place of said trustee vacant, and a successor may then be appointed or elected to fill the same.

May hold real and personal estate to a stated amount

4. *And be it enacted*, That the said corporation shall have the authority to take and hold by gift, grant or devise, subject to the restrictions of law, any real or personal property, the clear yearly income of which shall not exceed the sum of five thousand dollars.

5. *And be it enacted*, That the general purpose and the

objects of the corporation hereby created, shall be that of a summer club house and yacht club, and they shall have power to adopt such by-laws for their regulation as to them may seem meet and proper, so far as the same are applicable and not repugnant to this act.

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

Approved March 18, 1869.

CHAPTER CXCIX.

An Act to incorporate the St. John's Young Men's Total Abstinence Benevolent Society of the City of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward J. Watson, John Quinlin, Patrick Nolan, Patrick Feeney and John Donahoe, and such other persons as are now or may hereafter be associated with them by becoming members, and their successors, are hereby created a body corporate and politic, in fact and

Name.

in name, by the name of "The St. John's Young Men's Total Abstinence Benevolent Society of the City of Paterson," and by that name they and their successors shall and may at all times hereafter be capable in law of suing and being sued, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised, bequeathed or given by any person or persons, body politic or corporate

Proviso.

capable of making the same; *provided always*, that the said corporation or body politic, hereby created, shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of five thousand dollars a year.

Directors, how chosen.

2. *And be it enacted*, That the persons named in the first section of this act, as incorporators, or a majority thereof, shall after ten days' notice thereof, inserted in one of the newspapers printed and published in the city of Paterson, proceed to hold an election for a board of five directors of

said society, which board shall be composed of members of the society, and all persons who are now members of the said society or who may become members thereof before such election shall be entitled to vote at such election for said directors, and a majority of all votes cast shall be necessary for a choice of each of such directors.

Officers.

3. *And be it enacted*, That the said board of directors, so elected, shall immediately after said election proceed to elect a president, vice president, secretary and treasurer from among their number, and the said board of directors shall hold their office for the term of one year after such election and until others are duly elected in their stead.

Time for holding annual election.

4. *And be it enacted*, That hereafter the annual election of the board of directors shall be held on the third Tuesday in April in each and every year, of which election due notice shall be given as to time and place as is required in the second section of this act, and members in good standing in said society shall be entitled to vote at such elections.

Objects of corporation

5. *And be it enacted*, That the objects of this society shall be to provide for the temporal welfare of the members thereof, by affording relief in case of accident or sickness, assisting in the expenses of the burial of deceased members, the encouragement of all persons to abstain from the use of alcoholic drinks, and for any benevolent and charitable purpose appertaining to said society.

May make by-laws.

6. *And be it enacted*, That the said society shall have power to make such by-laws, rules and regulations for the control and management of said society as shall be necessary and proper and not inconsistent with the laws of this state or of the United States.

Vacancies.

7. *And be it enacted*, That any vacancy occurring in said board of directors shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead.

Not to interfere with existing society.

8. *And be it enacted*, That nothing in this act contained shall in any way interfere with the said society as it now exists, and until the same may be organized in accordance with the provisions of this act.

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

Approved March 18, 1869.

CHAPTER CC.

An Act confirming a paper writing, purporting to be the last will and testament of Rebecca M. Cooper, deceased.

Preamble. WHEREAS, Rebecca M. Cooper, late of the village of Haddonfield, in the county of Camden and state of New Jersey, did write with her own hand, and sign full and explicit directions for the disposal of her property, as her last will and testament, but in consequence of her sudden death was prevented from having the same witnessed as required by law; and whereas, the setting aside of said will would be a case of peculiar hardship; therefore,

Will confirmed and declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said paper writing be and the same is hereby confirmed and made valid, as, and for the last will and testament of Rebecca M. Cooper, late of the village of Haddonfield, in the county of Camden, and state of New Jersey, deceased, as fully as if the same had been witnessed according to law; and the surrogate of the county of Camden is hereby directed to admit said will to probate and to issue letters testamentary thereof to the executor therein named, on satisfactory proof of the handwriting and signature of said Rebecca M. Cooper, to said will before the said surrogate.

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

Approved March 23, 1869.

CHAPTER CCI.

An Act to incorporate the Bayonne Yacht Club.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Van Winkle, Joseph Ellsworth, Matthew Armstrong, Henry D. Van Nostrand, Jacob Seymour, Hiram Van Buskirk, John G. Harrison, Fred. Hopkins, and other such persons as are now or may hereafter be associated with them, be and they are hereby constituted and declared a body politic, in fact and in law, by the name of "The Bayonne Yacht Club," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and whatsoever places, and may have a common seal, and change and alter the same at pleasure, and that they and their successors, by the said name, shall be capable in law to hold any estate, real or personal, either by devise, purchase, donation or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation.

Name.

Objects.

2. *And be it enacted*, That the object of this incorporation shall be the building, purchasing and sailing of yachts, the encouragement of yacht building, and the cultivation and advancement of naval architecture, construction and science.

May hold real and personal estate.

3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate and erecting any buildings thereon for the benefit and accommodation of the members of said corporation, or the purchase, leasing or construction of any wharves, docks or piers as may be deemed necessary to carry out the objects of this incorporation, which said real estate they may again sell and invest, as the interests of the corporation may require.

May alter and repeal by-laws

4. *And be it enacted*, That the said corporation shall

have power from time to time to make and establish such constitution, by-laws, rules and regulations as they shall judge proper for the election of officers, for prescribing their respective functions and the mode of discharging the same, for the admission of members, the suspension and expulsion of the same, for the government of the officers and members thereof, for imposing and collecting admission fees, fines and contributions from the members, for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and laws of the United States or of this state, and which they may from time to time alter and repeal.

Location.

5. *And be it enacted*, That the said corporation shall be located at Bayonne, or some convenient point in the county of Hudson, and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first Thursday in April, anno domini eighteen hundred and sixty-nine.

Officers.

6. *And be it enacted*, That the officers of said corporation shall be chosen annually, at such time and place as their by-laws may direct; that all elections shall be by ballot, and that each member shall be entitled to one vote, which must be given in person; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the officers for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf or of this act; and that in any election of officers, the persons having or receiving the greatest number of votes, shall be officers, and shall continue in office until their successors are elected.

Misnomer not to vitiate any deed, &c.

7. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest, contract or conveyance shall defeat or invalidate the same if the corporation be sufficiently described to show or ascertain the intention of the parties.

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

Approved March 23, 1869.

CHAPTER CCII.

An Act to incorporate the Tuckerton and Atlantic Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That A. R. Pharo, Thomas Page, J. H. Bartlett, Albert Pharo, John Willits, Jacob Ireland, J. C. Ridgeway, Jesse R. Sears, Joseph B. Cranmer, Levi French, Richard C. Harris, William Sooy, Augustus Johnson, Willits Parker, senior, Samuel Crowley and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Tuckerton and Atlantic Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this incorporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, place and places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in three of the newspapers published in Burlington or Atlantic counties, in this state, and that at the time of subscribing five per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them, and when twelve hundred shares (sixty thousand dollars) are subscribed to the capital stock of said corporation, the persons holding the same shall be, and they are hereby incorporated into a company as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders to choose thirteen directors, a majority of whom so chosen shall be residents and citizens of this state; amd such election shall be Commissioners to receive subscriptions to capital stock. Election of directors.

made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of president.

4. *And be it enacted*, That the directors at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall hold office until the next succeeding annual election, and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise, until the next succeeding annual election.

Not dissolved by failure to elect

5. *And be it enacted*, That the annual election for directors shall be held at such time and places as the board of directors shall hereafter direct, of which election public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been the said corporation shall not from that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead; seven directors shall be a quorum to transact all business of the said corporation; and the directors shall be authorized to call in the remaining capital stock of said company by such installments and at such times as they may direct; *provided*, that such payments shall not exceed five dollars a share per month; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise to and for the use of said corporation, and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of

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the said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said directors shall appear proper.

6. *And be it enacted*, That in case the whole of the stock authorized by this act is not subscribed, then the president and directors of the said corporation shall have power to borrow the remainder from time to time for the construction of said road, and for furnishing the necessary engines, cars, machinery and buildings, for the use and objects of the said corporation, and to secure the re-payment thereof with interest by executing bonds and mortgages, or otherwise, on the said road, lands, personal property, property privileges, franchises and appurtenances of or belonging to the said corporation, at an interest not exceeding seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, or in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money and issue bonds.

7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near Tuckerton, in the county of Burlington, to some suitable point hereafter to be designated, on or near Little Egg Harbor river in said county, with the privilege of crossing said river into the county of Atlantic, and of connecting or consolidating at either terminus with any railroad now or hereafter to be built, and with the further privilege of running a branch or branches from the main line to the harbor below Tuckerton, or to any point in the county of Burlington, which shall be deemed expedient and advisable for the interests of said company; and the said road or roads shall not exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary work, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and May lay out and construct a railroad, and route.

a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon and take possession, hold, have, use, occupy and excavate any such lands, to erect embankments, bridges, piers, wharves, and all other works necessary for the construction, completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, for all damages for the occupation of land through which the said railroad shall be laid out, be made; and if said owner of such land shall not see fit to receive such assessment, the amount of such assessment shall be paid into the circuit court of the county where the damages accrued, before the said company, or any person under their direction or in their employ, shall enter upon or break ground on the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

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Proceedings when company and owners of land cannot agree.

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

terials, and to assess the damages, upon notice, not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to review and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages which shall be paid by the company for such lands and materials and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of the fencing on the line of the route of said road through any improved land over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of the supreme court, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of the said valuation, with the interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days' after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said corporation in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the said justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said corporation or owner or owners of the said land or materials shall be

dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said court to be holden in said county, upon the like notice and in the same manner as other issues of the said court are tried; and it shall be the duty of said jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be kept in repair.

10. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also when the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said railroad.

Rates of fare, &c.

11. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machinery, engines, cars, wagons,

carriages, or vehicles, and boats for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than eight cents per ton per mile for the transportation of any description of property; nor shall more than half of the above rate be charged for carrying any fertilizing materials; and the said railroad, with the appendages and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the corporation, are hereby vested in the said corporation and their successors for and during the continuance of this charter. Proviso.

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

13. *And be it enacted*, That the said company may receive, purchase, have and hold, real estate at or near the commencement and termination of the said road, or at any other point or points on the line of said road when and where the directors may think proper, and may erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety and interests of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof; and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof. May purchase and hold real estate. Proviso.

14. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuance of its charter, to lease the said road, or to make contracts and engagements with any other corporation, or with individuals, for transporting or carrying any kind of goods, produce, merchandise, freight, or passengers, and shall have power to enforce the fulfilment of the same. May make contracts.

15. *And be it enacted*, That as soon as the said railroad

Statement of costs and expenses to be made and filed

or any part of it is in operation, the president of said company shall file, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments and appendages, and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road; and after said road, or any part thereof shall be in operation, the said corporation shall pay to the state treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for the purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

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Limitation.

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

Free passes.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, when traveling on official business, and the members and officers of both houses of the legislature of this state, during the term of their offices, may pass and repass on said railroad in the cars of the said company free of charge.

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

Approved March 23, 1869.

CHAPTER CCIII.

An Act to incorporate the Pleasant Valley Cemetery Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Schanck, Thomas W. Thorne, John W. Conover, Kortenius C. Hyer, David Schanck, Jr., John S. Hendrickson, and their associates, be and they are hereby constituted a body politic and corporate in law by the name of "The Pleasant Valley Cemetery Company," with the general powers and privileges of a corporation.

Name.

May purchase land.

2. *And be it enacted*, That the said corporation shall have power to purchase and hold in fee, a tract of land not exceeding fifty acres, being part of the farm of George Schanck, situate in the township of Holmdel, county of Monmouth, state of New Jersey, adjoining the turnpike leading from Holmdel to Keyport.

Who shall be entitled to vote.

3. *And be it enacted*, That the said corporation shall be composed only of such persons as shall be owners of burial lots in said cemetery; and in all elections for managers every person of full age who shall be proprietor of a lot; or if there be more than one proprietor of any lot, then such person as the majority of joint proprietors shall designate to represent such lot may give one vote for each lot owned by him or them.

May erect buildings and other improvements.

4. *And be it enacted*, That the said corporation shall have power to erect on said tract of land such buildings and other accommodations as the managers may deem suitable and necessary for the use and purposes of the cemetery; and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance under the corporate seal of said corporation, and signed by the president and secretary thereof, to be used only as a cemetery with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as may be established in relation thereto by any by-law or

ordinance of said corporation; transfers of sub-lots or rights thereunto may be made by the owner or owners thereof by simple assignment annexed to said deed; but shall not be valid until the assignment is recorded on the books of said corporation.

Election of managers.

5. *And be it enacted*, That the affairs of said company shall be managed by a board of six managers; the first board shall be composed of the persons above named as corporators, whose terms of office shall continue until the first Monday in March, eighteen hundred and seventy, on which day and annually thereafter, on such day, at such place and subject to such regulations as the said corporators shall prescribe, an election for six managers shall be held who shall hold their office for one year and until others are chosen in their stead.

Property free from tax or assessment.

6. *And be it enacted*, That the lands and property of said corporation shall be exempt from all public taxes, rates and assessments; and shall not be liable to be sold on execution, or to be applied in payment of debts due from individual proprietors; but the proprietors of lots and plats in said cemetery, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery.

Restrictions and liabilities.

7. *And be it enacted*, That the said corporation shall have the powers, privileges and immunities, and be subject to the restrictions and limitations contained in the seventh, eighth, ninth and eleventh sections of the act entitled "An Act authorizing the incorporation of rural cemetery associations," excepting the words in section seventh, "on the map filed as aforesaid," and the words in section eleventh "a copy of which release shall be recorded in the clerk's office of the county within which the said cemetery shall be situated."

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

Approved March 23, 1869.

CHAPTER CCIV.

An Act to incorporate the Westfield Thief Detecting Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert A. Drake, Ludlow V. Clark, Stewart E. Clark, John M. C. Marsh, William W. Comoly, Jonathan Osborn, Thomas H. Clark, John L. Dudley, Robert French, James T. Pierson, Gideon E. Ludlow and George W. Pierson, and their successors, are hereby constituted a body corporate by the name of "The Westfield Thief Detecting Society," and to remain and continue for the space of twenty years next ensuing. Corporators. Name.

2. *And be it enacted*, That the affairs of the said society shall be managed by seven directors, to be chosen by the members of the said society annually, at such time and manner as the by-laws of the society may direct, who shall serve for one year, and until others shall be chosen in their stead, notice of which election shall previously be given for two weeks by notice posted in three of the principal places in the village of Westfield, and that Albert A. Drake, Ludlow V. Clark, Stewart E. Clark, John M. C. Marsh, William W. Comoly, Thomas H. Clark and Jonathan Osborn shall be the first directors, who shall as soon as convenient after the passage of this act assemble and organize such society, and continue in office until others, as in hereafter directed, shall be chosen in their stead; the said directors shall from time to time elect a president from their number, and may also appoint such other officers as may be convenient and necessary. Election of directors annually. First directors

3. *And be it enacted*, That every member of said society shall be empowered to make arrest of any person or persons whom they may find stealing, or in whose possession stolen property may be found, and bring them before a magistrate to be dealt with according to law. Members shall have power to make arrests.

4. *And be it enacted*, That when the funds of this society shall amount to one thousand dollars, the said directors may issue policies of insurance against theft on any property belonging to any member of said society, on such terms as the society may make in their by-laws. May insure against theft.

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

Approved March 23, 1869.

CHAPTER CCV.

Supplemental to an act entitled "An Act to incorporate the Hudson Warehousing Loan and Insurance Company," approved April third, eighteen hundred and sixty-seven.

General powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hudson Warehousing Loan and Insurance Company may construct, maintain and operate fire-proof buildings and structures for the reception and storage of property, grain and merchandise, and act as general consignees thereof, take and have charge of the receipt, transportation, elevation, lighterage, insurance and delivery of all property, grain and merchandise, consigned to or deposited with said corporation, and may assure the safe keeping, good condition, and prompt delivery thereof; and the said corporation shall have the right as bailees to receive upon consignment, sell upon commission, and take upon deposit for safe keeping, property and merchandise; and in and about the receipt, transportation, storage and delivery thereof, and the making advances, or assurance and insurance thereon, may make and issue contracts, agreements, bonds, securities, credits, letters, certificates, receipts or memoranda, and as may be necessary and proper for any of the several purposes aforesaid, and to be executed in such manner and form as the board of directors shall prescribe.

Approved March 23, 1869.

CHAPTER CCVI.

An Act relative to the West Jersey Railroad and its associated roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the title of the West Jersey Railroad Company, or either of its associated companies, the Millville and Glassboro' Railroad Company, the Cape May and Millville Railroad Company, or the Salem Railroad Company, to any lands taken or used for right of way for the railroad of said company, or any part thereof, shall be found defective or insufficient, or shall not have been duly acquired, the said lands, and the damages for taking the same, according to the value and amount thereof at the time of such taking, together with interest thereon, from that time, may be appraised by commissioners under the charter of said company, or of the company owning said road, to be appointed and to act and proceed in all respects as provided in such charter; and when said commissioners shall have made and filed their report and award, the said company shall pay the amount thereof less any amount which may already have been paid for said land and damages, to the lawful owner thereof, with the interest thereon; and thereupon the title of said company to such land and right of way shall be as valid and perfect as if the same had been lawfully acquired by purchase, or by commission as aforesaid when originally taken for said road. Proceedings for obtaining title to lands.

2. *And be it enacted*, That any lands which may hereafter be required by the said companies, or either of them, for the said roads respectively, may be taken by commission, in like manner as directed in the first section of this act, in case no agreement for such lands can be made with the owner or owners thereof. Lands may be taken by commission.

3. *And be it enacted*, That the said West Jersey Railroad Company, or the Cape May and Millville Railroad Company, in order to encourage public travel, on their said roads respectively, may assist, by way of loan or otherwise, any hotel company, whose object is or shall be to accommodate summer visitors at Cape Island, and to take a bond and mortgage, or May make loans on land or other property.

other security for the repayment of such loan or loans, on any lands or other property.

Extra fare may be charged.

4. *And be it enacted*, That in operating said railroads, or either of them, it shall be lawful for the company operating the same to charge five cents extra fare to any person neglecting to procure a ticket at the proper station, and paying his or her fare in the cars.

Companies may make a joint mortgage.

5. *And be it enacted*, That if the said West Jersey Railroad Company and Cape May and Millville Railroad Company shall deem expedient, it shall be lawful for said companies to make and execute a joint mortgage on the railroad formerly belonging to the Millville and Glassboro' Railroad Company and the railroad of the Cape May and Millville Railroad Company, (which roads together extend from Glassboro' to Cape May,) for the purpose of securing the payment of any bonds which may be issued by the said companies, or either of them; which mortgage may also include the franchises and corporate rights connected with said railroads.

Approved March 23, 1869.

CHAPTER CCVII.

An Act to incorporate the Lebanon Cemetery of Lebanonville, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Van Sickle, Nathan Hoffman, Archibald Hoffman, David C. Cramer, David Sharp, Augustus E. Sanderson and Christopher B. Van Sickle, and all others who now are or may hereafter become lot owners and members of the company or association styled the Lebanon Cemetery Company and their successors, shall be and they are hereby created and declared a body corporate, by the name and style of "The Lebanon Cemetery Company," and by that name shall have perpetual succession, and shall be capable in law to hold lands for the use and purposes of a cemetery in the township of Clinton, in the county of Hunterdon,

Name and object.

to sue and be sued, plead and be impleaded in any court of law or equity, to ordain, pass and put in execution all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States or of this state, as shall be necessary and convenient for carrying into effect the object of the company, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for improving and ornamenting the grounds and the enclosures, and the building and repairing of fences, and the due management and regulation of the affairs thereof.

Election of managers.

2. *And be it enacted*, That the affairs of the company shall be under the control of five managers, or a majority of them, to be elected for one year and until others are chosen in their stead, to be elected from among and by the stock or lot owners of the company, in such a manner and at such times as the by-laws made in pursuance of this act shall specify, the first election to take place on the first Saturday of May, next, under the direction of the persons above named, at such place as they shall appoint.

Exempted from tax.

3. *And be it enacted*, That the lands of the company and the burial lots of the different persons holding the same shall be forever exempt from and shall not be subject to any assessments, taxes and fines, or liable to be seized or taken by virtue of any process, issued out of any court in this state, on account of any claim or claims which may arise after such lands have been converted into a cemetery, nor shall any public road be laid out over the same.

Who entitled to vote.

4. *And be it enacted*, That the said corporation shall be composed only of such persons as shall be owners of burial lots in said cemetery; and in all elections for trustees, every person of full age who shall be proprietor of a lot, or if there be more than one proprietor of any lot, then such person as the majority of joint proprietors shall designate to represent such lot may give one vote for each lot owned by him, her or them.

Cemetery to be enclosed.

5. *And be it enacted*, That the said corporation shall cause the said cemetery to be enclosed with a good and substantial fence, and lay out the avenues and walks thereof, as represented on the map or plan of the same.

Deeds to remain in force.

6. *And be it enacted*, That all deeds of conveyance heretofore made by the proprietors or plat holders of said cemetery shall continue in force and be binding upon the company.

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

Approved March 23, 1869.

CHAPTER CCVIII.

An Act to enable the "Palestine Methodist Church at English Creek, New Jersey," to convey land.

Preamble.

WHEREAS, on the twenty-fifth day of January, eighteen hundred and fifty-six, one John Champion of the township of Egg Harbor, Atlantic county, in this state, conveyed to the trustees of "Union Methodist Protestant Church," in the township, county and state aforesaid, a certain lot or piece of land and premises, more particularly mentioned and described in the deed of conveyance thereof, which is recorded in Book I, of Deeds, folio sixty-one of deeds of said county, and in which it is among other things recited that said conveyance was for the "use, benefit and behoof of the Methodist Protestant Church;" and whereas, the said "Union Methodist Protestant Church," in conference assembled, have seen fit to alter and change their corporate name to the "Methodist Church;" and whereas, the congregation of the said "Union Methodist Protestant Church" having deemed it to the best interest of the objects of their organization, have procured a more eligible situation for their church edifice in said township of Egg Harbor, and have become incorporated under the name of the "Palestine Methodist Church," and desire to sell said land and premises, and to appropriate the proceeds of such sale to said church; therefore,

Trustees may sell and convey church lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Palestine Methodist Church" be and hereby is authorized, by and through the trustees of said church, or a majority of them, to sell and convey the said land, with the appurtenances, and for that purpose to make, execute and deliver good and sufficient

deed or deeds of conveyance thereof to the purchaser or purchasers of the same, and that all or every such deed or deeds of conveyance shall be good and effectual in law, anything in the said deed above recited to the contrary notwithstanding.

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

Approved March 23, 1869.

CHAPTER CCIX.

An Act to extend the cattle law to the township of Winslow, in the county of Camden.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, be and the same are hereby extended to such portion of the township of Winslow, in the county of Camden, as lays south of the road running from Waterford to Brooklin in said county.

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

Approved March 23, 1869.

CHAPTER CCX.

An Act to incorporate the Raritan Woolen Mills.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Einstein, David L. Einstein, Adolph Mack, Henry L. Einstein and Robert Brown, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Raritan Woolen Mills," for the purpose of manufacturing yarns, cloths and other fabrics of wool or other materials, and selling the same, and carrying on the business incident thereto; and for such purposes the said company shall or may raise by subscription, by opening books therefor or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, to any sum not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by the said company for the purpose of their business aforesaid.

Name and objects.

Amount of capital stock.

May hold real and personal estate.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient, for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Directors, and how elected.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until

others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day and hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such election shall take place, Lewis Einstein, David L. Einstein and Adolph Mack, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. First directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election. Failure to elect not to dissolve.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained. Annual statement.

6. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors or their by-laws shall from time to time designate; but the said corporation shall keep an office in the county of Somerset, and shall there have such books of account as may be necessary to afford full information of its transactions, which shall always be open at reasonable hours for the inspection of the stockholders; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of stock in all elections and other matters submitted to the decision of the stockholders of said corporation; and that the said company may, in addition to their office in the county of Somerset, have and maintain an office in the city of New York, for the transaction of business, the transfer of stock, Books of account to be kept.

and the meeting of the directors and stockholders of the said company.

How dissolved

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

Proviso.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 23, 1869.

CHAPTER CCXI.

An Act to create a new township in the county of Union, to be called the Township of Summit.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of New Providence and Springfield, in the county of Union, lying within the boundaries and descriptions following, to wit: Beginning at a large cherry tree near the residence of Aaron Doty, in the middle of the road leading from the village of Summit, in the present township of New Providence, to Union village, in Somerset county; thence running northwesterly along the northerly line of the Stony Hill road until it inter-

sects the road leading from Summit to New Providence village; thence across said road on the same course to the corner of lands of A. A. Constantine and Elizabeth Day, and from said corner on a line bounded by land of A. A. Constantine on the west, and lands of Elizabeth Day and Dewitt Clinton Jones on the east, to a willow tree on the east bank of the Passaic river; thence northeasterly along said river, following the dividing line between the counties of Morris and Union, until it intersects the Morris and Essex turnpike, which is the northwest corner of Milburn and Springfield townships; thence along said turnpike, still following the dividing line between Milburn and Springfield townships, until it intersects the old road leading from, at or near the estate of Alexander Robertson, on said turnpike, and along the west side of said road to the road leading from Springfield to Summit where the house of Oliver Wade, now Montgomery, stands, and across said road in a southerly direction to the lower end of the waste race of William Briant's Mill, and along said waste-race to said Briant's Mill, and along the easterly side thereof, through the centre of the pond connecting with said mill, to the upper end thereof, and from thence along the centre of the main stream which feeds said pond, through lands of said Briant and J. Kemp, to the corner of lands of David O. Magie and Anthony Sayre; thence through lands on the boundary line of estate of Brook Sayre and Anthony Sayre to the corner of land of Benjamin Sturges and estate of Brooks Sayre, on the east side of the road leading from the Red School House to Westfield village; thence on the boundary line of Benjamin Sturges, William H. Briant and others, to the head of Green Brook, which is the corner of the boundary line of the townships of Springfield, Westfield and New Providence, and thence in a southwesterly direction along the boundary line of the townships of New Providence and Westfield to the centre of David Felt's, now S. P. Townsend's Dam, which is across said brook; thence in a northwesterly direction along said dam, and across the ridge following the dividing line of lands of Frederick Curtis, Israel Doty, Edward Hedges, S. Doty and J. Fish, to the south side of the road leading from Summit to Union village, being the corner of land of J. Fish; thence along the south side of said road to the place of beginning, be and the same is hereby set off from the said townships of New Providence and Springfield

and created into a new township, to be called and known by the name of "The Township of Summit."

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Summit 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 Summit, in the county of Union," and shall be entitled to all rights and 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 Union are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said townships of New Providence and Springfield, so far as the same are or can be applicable to said township of Summit, when set off as aforesaid.

Place of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the township of Summit shall hold their first town meeting at the hall now owned by William Little, in the village of Summit in said township, on the second Monday of April next, and thenceforward at such place in said village as the inhabitants may appoint at each prior annual term meeting.

Summit and New Providence township committees to allot and divide property, &c.

4. *And be it enacted*, That the town committee of the townships of Summit and New Providence respectively, shall meet at such time as they or a majority of each of them shall agree upon, not later than the first day of July next, and on said first day of July next at ten o'clock, in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned, in the village of Summit, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due belonging to said township of New Providence, and all debts owing by said township of New Providence, in proportion to the taxable properties and ratables with the townships of Summit and New Providence respectively, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Summit shall be liable to pay the proportion of the debts of the township of New Providence so assigned and allotted to them; and it shall be the duty of the town committee of the township of Summit, if necessary, to issue a bond or bonds, with interest payable semi-annually, to the township committee of the township of New Providence, for their proportion of the debt as allotted to them by the commissioners hereinafter

mentioned; 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 such division, and the decision of a majority of those present shall be final and conclusive.

Summit and Springfield township committees to allot and divide property, &c.

5. *And be it enacted*, That the town committee of the townships of Summit and Springfield respectively, shall meet at such time as they or a majority of each of them shall agree upon, not later than the first day of July next, and on said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned in the village of Summit, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due belonging to said township of Springfield, and all debts owing by said township of Springfield, in proportion to the taxable properties and ratables within the townships of Summit and Springfield respectively, as appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Summit shall be liable to pay the proportion of the debts of the township of Springfield, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Summit, if necessary, to issue a bond or bonds, with interest payable semi-annually to the township committee of the township of Springfield, for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned; 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 said division, and the decision of a majority of those present shall be final and conclusive.

Assessments to be made to meet liabilities.

6. *And be it enacted*, That it shall be the duty of the township committee of the township of Summit, if necessary, and they are hereby required to cause to be assessed upon the real estate and personal property of said township of Summit, and collect therefrom such sum or sums annually as may be sufficient to meet the payments falling due, as provided by the foregoing sections.

Commissioners to make an appraisement of ratables.

7. *And be it enacted*, That Noah W. Parsells, of Union township, John J. High, of Rahway, and Daniel J. Marshall, of Plainfield, are hereby appointed commissioners to appraise the taxable properties and ratables of the said townships of Summit, Springfield and New Providence, which appraisement

shall be made prior to the first day of July next, and upon that day if not sooner done; and shall be the basis for the apportionment of the properties, money, and debts of the townships of Summit, Springfield and New Providence, as aforesaid, and the proper expenses of the appraisement shall be allowed by said town committees in their said respective joint meetings, one-third of said expenses shall be paid by each of said three townships.

Right to surplus revenue not to be affected.

8. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of Summit, of, in, or to any portion of the surplus revenue of the United States government, to which the said township may now, or at any time hereafter be entitled in the distribution of the surplus revenue or of its income.

Second assembly district.

9. *And be it enacted*, That the township of Summit shall form a part of the second assembly district of the county of Union.

Officers now in commission not to be affected.

10. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected, in that part of the township set off and called Summit, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation.

First election officers.

11. *And be it enacted*, That the inhabitants of the township of Summit shall hold their first township meeting at the time and place hereinbefore set forth, and at the first township election, John H. Allen, Alfred Albertson and William Littell, shall be judges of election, and any of them may act in the absence of the others, and such judges, or the one or ones acting, shall appoint a clerk.

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

Approved March 23, 1869.

CHAPTER CCXII.

An Act for the relief of the Franklin Street Methodist Episcopal Church in Newark.

Preamble. WHEREAS, In the year eighteen hundred and thirty-six, a deed was made by "The Trustees of the Methodist Wesley Chapel," a religious corporation, to the said Franklin Street Methodist Episcopal Church, of a lot of land in Newark, on which they erected a church, and have ever since occupied the same; and whereas, it has recently been discovered that the deed by which it was supposed "The Trustees of the Methodist Wesley Chapel" had a title in their corporate name, had by mistake been made to certain persons named therein, in trust for the said last-named corporation, by reason of which they had no legal title as a corporation, to convey to the said Franklin Street Church; and the said persons named in said deed having all died, no relief can be obtained through them; for remedy, therefore, in the premises,

Title to land vested and confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the said lot of land is hereby declared to be vested and confirmed in the said "The Trustees of the Franklin Street Methodist Episcopal Church," in Newark, as a religious corporation, according to the true intent of the said grantors, and of the conveyances made of the said lot of ground as hereinbefore mentioned.

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

Approved March 23, 1869.

CHAPTER CCXIII.

A Further Supplement to "An act to provide for the publication of the public laws of this state."

Preamble. WHEREAS, all laws directed to be published by the act to which this is a supplement, or the supplements thereto, in any of the newspapers published in the county of Hunterdon, for the year eighteen hundred and sixty-eight, were published in the Constitutional Democrat, a weekly newspaper, published at Clinton, in the county of Hunterdon; and whereas, by a mistake, the said newspaper was omitted in the act, entitled "An additional supplement to an act to provide for the publication of the public laws of this state," approved April seventeenth, eighteen hundred and sixty-eight,

Compensation allowed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob R. Schenk, the late editor and publisher of the Constitutional Democrat, be and he is hereby declared to be entitled to receive the same compensation as was allowed the publishers of other newspapers in this state for said work, and that this act shall take effect immediately.

Approved March 23, 1869.

CHAPTER CCXIV.

A Supplement to the Act entitled "An Act to incorporate the New Jersey Western Railroad Company," approved March twenty-first, eighteen hundred and sixty-seven.

Power to extend road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Western Railroad Company are hereby authorized and invested with power

to extend their road through Morris and Sussex counties to a point at or near the state line, and to connect with any railroad or railroads in the county of Sussex.

Time for commencing road and completing extension extended.

2. *And be it enacted*, That the time at which the said New Jersey Western Railroad Company shall be required to commence their extension and branches be, and the same is hereby extended three years from the fourth day of July, eighteen hundred and sixty-nine, and that the time at which said railroad company shall be required to complete said extension and branches, be and the same is hereby extended six years from the fourth day of July, eighteen hundred and sixty-nine.

May increase capital stock.

3. *And be it enacted*, That the said railroad company are hereby authorized and empowered to increase their capital stock one million dollars.

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

Approved March 24, 1869.

CHAPTER CCXV.

A Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Middlesex," approved February twenty-fourth, eighteen hundred and sixty-nine.

Fees of prosecutor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees of the prosecutor of the pleas, to be taxed and paid as a part of the costs in proceedings in each case under the act to which this is a supplement, shall be the same as now is, or hereafter may be provided by law for like services in criminal cases in the court of oyer and terminer and general jail delivery in and for the county of Middlesex.

Repealer.

2. *And be it enacted*, That the seventh section of the act to which this is a supplement, and all such parts of the said act as are inconsistent with the provisions of this act, be and the same are hereby repealed.

New Jersey State Library

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

Approved March 24, 1869.

CHAPTER CCXVI.

A Further Supplement to an act entitled "An Act to incorporate the Lahlatang Iron Works," approved March twenty-fifth, eighteen hundred and sixty-eight.

Preamble. WHEREAS, It is very important for the said iron company to have a railroad track or spur laid from their foundry and works to the Central Railroad of New Jersey, at High Bridge station;

May construct and make a railroad. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, and the directors of the said iron company are hereby invested with full power to lay out and construct a railroad in the county of Hunterdon, to run from some convenient point on the line of the Central Railroad Company of New Jersey, at or near High Bridge station, to the iron works and property of the said iron company, not to exceed three miles in length, and to run engines and cars on said railroad for the transportation of iron and other materials; the land to be taken for said road not to exceed one hundred feet in width; and when the same shall cross any public highway, the crossing shall be made and maintained in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience.

Right of way, how obtained. 2. *And be it enacted*, That the powers and provisions for acquiring the right of way for said road, as contained in the eighth and ninth sections of the act entitled "An Act to incorporate the Seven Mile Beach Railway Company," approved March twenty-fifth, eighteen hundred and sixty-eight, are hereby conferred upon and granted to the said iron company.

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

Approved March 24, 1869.

CHAPTER CCXVII.

A Supplement to the act entitled "An Act to incorporate the Manalapanville and Englishtown Turnpike Company," approved March twenty-seventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Manalapanville and Englishtown Turnpike Company to construct a spur or branch turnpike road, to be called "The Morris branch of the Manalapanville and Englishtown Turnpike Company," which branch is in the township of Millstone, in the county of Monmouth, and is to begin at a stake in said turnpike road near James Mark's dwelling house, at a point south nine and a half degrees west, sixty-eight links from a three pronged black cherry tree; thence running southwesterly to a stake standing south twenty-eight and a half degrees west, twelve links from a marked locust tree on the northerly side of the Hightstown and Manalapanville Turnpike road, near to and westerly of the dwelling house where John I. Dey now lives. May construct a branch road.

2. *And be it enacted*, That it shall and may be lawful for the Manalapanville and Englishtown Turnpike Company to increase their capital stock from twelve thousand dollars to fourteen thousand dollars, for the purpose of constructing said branch. May increase capital stock.

3. *And be it enacted*, That the said company shall be authorized to increase their rates of toll, and to demand and receive on the said turnpike road and Morris branch thereof, for traveling each mile and all fractions of a mile, not exceeding the following rates, to wit: Rates of toll.

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

Restrictions and liabilities.

4. *And be it enacted*, That all the rights, privileges, provisions, conditions, restrictions, and all regulations in relation to tolls, toll-gates and toll-houses of the act to which this is a supplement, shall be and are hereby extended to and applied to the said Morris branch of said turnpike road; except so far as anything in the original act is inconsistent with this supplement.

Gates and bridges.

5. *And be it enacted*, That the said branch shall be erected in the same manner, of the same grade and materials, with bridges of like dimensions, as set forth in the act to which this is a supplement.

May borrow money and issue bonds.

6. *And be it enacted*, That the said Manalapanville and Englishtown Turnpike Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to discharge any indebtedness of said company, contracted in the construction or repair of their road, (or the Morris branch thereof,) in whatsoever form the same may now be, not exceeding the sum of five thousand dollars, and to secure the repayment thereof by the execution and negotiation of a bond or bonds, secured by mortgage on the said road, branch roads, lands, privileges, franchises and appurtenances of and belonging to said company, which mortgage shall constitute a first lien thereon.

Repealer.

7. *And be it enacted*, That anything in the original act inconsistent with this supplement, be and the same is hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCXVIII.

A Supplement to the act entitled "An Act to incorporate the Hightstown and Manalapanville Turnpike Company," approved March the sixteenth, eighteen hundred and sixty-six.

Preamble.

WHEREAS, A public meeting of the stockholders and directors of the Hightstown and Manalapanville Turnpike Company was held, pursuant to public notice, by advertisements setting forth the object of said meeting, at the mill of James Danley, in the township of Millstone, in the county of Monmouth, on the thirteenth day of June, eighteen hundred and sixty-eight, for the purpose of locating a portion of their turnpike road, according to the provisions of the fifteenth section of the act to which this is a supplement; and whereas, doubts have arisen in regard to the legality of the said meeting, and of the election then and there taken and held by virtue of the premises; and whereas, it was unanimously decided by the voters then and there present, that the part of the road so located should begin at a stake standing in the public road, formerly called the Hightstown and Freehold road, on lands of George Thompson, opposite the end of a post and rail fence, on a course north eighty-four degrees east from a cedar tree marked, and run thence (1) south eighty-six degrees east three chains and sixty-four links to a stake; thence (2) north eighty-nine and a quarter degrees east forty-five chains and eighty-one links, still along said public road to a stake; thence (3) south fifty-four degrees east two chains and ninety-four links to a marked locust tree; thence (4) south twenty-eight and a half degrees east five chains and eighty-three links to a stake, opposite the mill dam of Danley's mills; thence (5) over and along said mill dam to the easterly side of the mill house; and whereas, the greater portion of said turnpike road is constructed on said location; now, therefore,

Proceedings made legal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the said meeting and election, and the location of the said portion of

said turnpike road according to the aforesaid survey and description, shall be deemed, esteemed and taken to be legal, and the said company are hereby authorized to complete and finish the said turnpike road in conformity with said location.

May increase capital stock.

2. *And be it enacted*, That the said company may increase their capital stock from the sum of fifteen thousand dollars to twenty thousand dollars.

May borrow money and secure the same by mortgage.

3. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to discharge any indebtedness of said company, contracted in the construction and repairs of their road, in whatsoever form such indebtedness may now be, not exceeding in the whole amount the sum of ten thousand dollars, and to secure the repayment thereof by the execution of a bond or bonds, secured by a mortgage on said road, lands, privileges, franchises and appurtenances of and belonging to said company; and that any and all mortgages and bonds heretofore given for said purposes shall constitute a first lien thereon; and that any and all mortgages hereafter given thereupon shall have priority according to the existing laws in relation to bonds and mortgages.

May demand and receive tolls.

4. *And be it enacted*, That the said company shall be authorized to increase their rates of toll, and to demand and receive on the said turnpike road for traveling each mile and all fractions of a mile, not exceeding the following rates, to wit:

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

Repealer.

5. *And be it enacted*, That anything in the original act inconsistent with this supplement, be and the same is hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCXIX.

A Supplement to an act entitled "An Act to authorize the inhabitants of the Village of Carlstadt, in the County of Bergen, to improve the sidewalks of the streets of said Village," approved March twelfth, eighteen hundred and sixty.

Proceedings for grading and improving streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the persons owning land on any street in said village shall determine, by a majority of votes, (each land owner to be entitled to one vote for every fifty feet of land, running measure, owned by him or her on such street, and each land owner to be entitled to one vote at least), to grade, regulate, repair, and improve such street, the said superintendent and commissioners, (in said act named), upon being notified of such determination, shall proceed to have such streets graded, regulated, repaired and improved, (and shall thereafter keep the same in good repair); any land owner on such street may call a meeting of land owners under this section, by a written notice, put up in three public places in said village, five days previous to the day of meeting, designating the time, place and object of such meeting; said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled; receive orally and count the votes, and their certificate of such determination shall be evidence thereof.

Costs and expenses, how apportioned.

2. *And be it enacted*, That the said superintendent and commissioners shall from time to time, apportion the cost and expense of such grading, regulating, repairing and improving of said streets, as follows: one-third thereof among the said land owners in proportion to the number of feet of land, running measure, each land owner owns on such street; the other two-thirds they shall apportion among the owners of lands lying in the first and second sections of said village, according to said map, in proportion to the number of feet, running measure, of street front owned by each land owner; but two-thirds of the cost and expense of grading, regulating, repairing and improving the streets, in the third sec-

tion of said village, that is, from twelfth street to and including twentieth street, shall be wholly apportioned among the owners of lands lying in said third section, in proportion to the number of feet, running measure, of street front owned by each land owner.

Wells and pumps to be kept in order.

3. *And be it enacted*, That said superintendent and commissioners shall keep in good order and proper condition the public wells and pumps, and shall apportion the cost thereof as follows, viz: one-third among the owners of lands lying adjacent to said public well, and the balance among the other land owners of said village, in proportion to the benefit derived by them, in the judgment of said superintendent and commissioners.

Penalty for obstructing streets or depositing garbage.

4. *And be it enacted*, That the streets of said village shall be kept constantly in a clean and passable condition; and if any person shall place on any of said streets any ashes, waste, garbage or filth, the person so offending shall forfeit and pay, for each and every offence, a sum not exceeding five dollars, to be sued for and recovered by the said superintendant, and the amount so recovered shall be expended for the purposes for which assessments are authorised to be made by this act.

Powers of commissioners.

5. *And be it enacted*, That improvements desirable on the public property in said village, may be made by said superintendent and commissioners upon determination at a meeting of the landowners of said village, called by any landowner, in the manner prescribed by the first section of this act, and the cost thereof shall be apportioned by said superintendent and commissioners among the owners of land in said village, in such proportion as shall seem to them most equitable.

Proceedings in case of delinquents.

6. *And be it enacted*, That the amounts authorised to be assessed or apportioned by this act, or by the act to which this is a supplement, shall be paid to said commissioners within thirty days after written demand thereof shall have been made by said commissioners; and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of any justice of the peace of the county of Bergen, who shall issue a precept, in the nature of a tax warrant, directed to any constable of said county, who shall proceed to collect the amount due from each delinquent landowner in the same manner as township and county taxes are authorised to be collected.

Approved March 24, 1869.

CHAPTER CCXX.

An Act to authorize the building or rebuilding of a Marine Railway in Maurice river, at Dorchester, Cumberland County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Hezekiah W. Godfrey, and such other persons as may be associated with him, to construct and rebuild a Marine Railway in Maurice river, at Dorchester, Cumberland county, for the purpose of repairing vessels, and for the carrying on of all business usually done at or upon a Marine Railway. Power to construct marine railway.

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

Approved March 24, 1869.

CHAPTER CCXXI.

A Supplement to the act entitled "An act to incorporate the Perth Amboy and Boundbrook Railroad Company," approved March eleventh, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and seventy-five, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and eighty. Time of completion extended.

Approved March 24, 1869.

CHAPTER CCXXII.

An Act to incorporate the High Bridge Car Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis H. Taylor, William J. Taylor, John K. Large, Cook Talcott and William Lance, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of

Name and object.

"The High Bridge Car Company," for the purpose of manufacturing railroad cars, steam engines, and other machinery, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock

Amount of capital stock.

of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

May purchase and hold real estate.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they

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may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Directors, and how elected.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall

be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, Lewis H. Taylor, William J. Taylor, John K. Large, Cook Talcott and William Lance, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement required

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and properties belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the principal office of said company shall be in the county of Hunterdon, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons

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as the said stockholders shall appoint shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 24, 1869.

CHAPTER CCXXIII.

An Act to incorporate the Paterson Brick and Tile Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Crary, Isaac Van Blarcom, John I. Goetschius and Darius Wells, and their associates, and all persons who are or may be holders of the stock hereinafter mentioned, be and they are hereby constituted a body corporate by the name of "The Paterson Brick and Tile Company," for the purpose of manufacturing brick, tiles and peat, and by that name shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created, to acquire the whole or any part of any patent rights which may be convenient for the carrying on of their business, and to make, use, and sell said patented articles, and to dispose of territorial rights to make, use and sell such patented articles.

Name and objects.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with liberty to in-

crease the same by a vote of majority of the board of directors to a sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each, each stockholder being entitled in person or by proxy to as many votes as he or she may hold shares of stock, which shares shall be deemed personal property, and transferable in such manner as the said company by its by-laws may direct; that twenty-five dollars on each share of stock shall be paid at the time of subscribing, said stock to be subscribed for and paid in at such time and in such installments as the directors may from time to time direct.

Election of directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three nor more than five in number, shareholders in said company, who shall be chosen annually at such time and place in the city of Paterson, in such manner and upon such notice as the by-laws of said company shall direct, who shall serve one year and until others are chosen in their stead, and that Isaac Van Blarcom, John W. Crary, Darius Wells and John I. Goetschius shall be the first directors of this company under this charter, to continue in office until others are elected and appointed in their stead; that the said directors shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for, or declare the stock forfeited, and all payments made thereon, in case of non-payment when duly called for, if deemed expedient.

Books of account to be kept.

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

How dissolved

5. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially called for that purpose by the president of the company, by

twenty days' notice served upon each stockholder, or publication for the same time in two newspapers published in the city of Paterson; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

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

Approved March 24, 1869.

CHAPTER CCXXIV.

An Act to amend the charter of Rutger's College, in New Jersey.

Preamble.

WHEREAS, it is represented on behalf of "The Trustees of Rutger's College, in New Jersey," that it is desirable and necessary for the purpose of better carrying out the benevolent and laudable designs of the founders of the institution, and for promoting the liberal views of the state, in regard to the advancement of agricultural science in all its various branches, that the value of the property which the said trustees are authorized to hold, shall be increased; therefore,

May receive gift, grant or devise.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Trustees of Rutger's College, in New Jersey, to have and hold and to accept and receive by gift, grant, purchase, devise or bestowment of any kind, now made or that may hereafter be made to them or for their benefit, and to use and enjoy the same for the purposes of the said corporation, any real and personal estate, the clear yearly income whereof shall not exceed one hundred thousand dollars; *provided always*, that

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when any property or estate shall be given, granted or devised to them, or vested in them upon any special trust, or for any special use or purpose not incompatible with the object and design of the said corporation, that such property or estate shall be held and appropriated by them in strict accordance with the trust, uses and limitations in such grants or devises respectively mentioned and declared.

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

Approved March 24, 1869.

CHAPTER CCXXV.

An Act to authorize the Trustees of the "Methodist Episcopal Church of Boonton," in the county of Morris, to sell and convey certain real estate.

Trustees may sell and convey church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the "Methodist Episcopal Church of Boonton," in the county of Morris, or their successors, be and they are hereby authorized and empowered to sell and convey all the real estate, with the appurtenances to the same belonging, or in any wise appertaining, conveyed by Dudley B. Fuller and James Brown, to John Decker, John H. Frampton, Samuel B. Shaub, and others, by two certain deeds, one dated the twenty-fourth day of January, eighteen hundred and fifty-four, and recorded in Morris county records, Liber K five of deeds, folio seventy-eight, seventy-nine and eighty; the other dated February twenty-first, eighteen hundred and fifty-six, and recorded in Morris county records, in Liber K five, folio seventy-seven and seventy-eight, and to make, execute and deliver a good and sufficient deed to the purchaser or purchasers therefor, and such deed or deeds being executed, in due form of law, shall pass and convey to the purchaser or purchasers all the estate, right, title and interest of the said body politic and

corporate in law, of, in, and to the said land and premises, and shall vest in the purchaser or purchasers, the same title which the original deeds to such church or its trustees, was intended to convey to them.

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

Approved March 24, 1869.

CHAPTER CCXXVI.

An Act relative to certain improvements on the New Jersey Railroad.

Preamble. WHEREAS, the United Delaware and Raritan Canal Company, Camden and Amboy Railroad and Transportation Company, and New Jersey Railroad and Transportation Company, in making proposed improvements on the line and works of the New Jersey Railroad, find it necessary to have additional aid thereunto; therefore,

Power to construct a bridge 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said United Companies, in constructing the proposed bridge for the crossing of the said railroad over the Passaic river, at Commercial Dock, in the city of Newark, may construct the piers thereof of stone, or stone and iron, instead of piles; and it shall be lawful for said company to construct the bridge over the said river for the branch or cut off through the eastern part of the city of Newark, from a point on the main line of their road near Bound Creek to a point near the Hackensack river, under the authority of an act entitled "An act relative to the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company," approved April fifteenth, eighteen hundred and sixty-eight, with stone piers obstructing the river as little as practicable, and with two

Preamble. draw openings not less than seventy-five feet wide; and whereas, the said United Companies have caused a route to be sur-

veyed for a branch railroad to connect the property recently purchased by them at Harsimus Cove, in Jersey City, with the main line of said New Jersey Railroad at the deep cut in Bergen Hill, which route passes over a small and unoccupied portion of a cemetery lot belonging to the trustees of the Jersey City and Harsimus Cemetery, and it is doubtful whether the said trustees can give title thereto; and whereas, the said route also passes diagonally over one or more blocks of land so as to cut the lots disadvantageously; therefore,

May acquire right of way.

2. *And be it enacted*, That it shall be lawful for the said companies to acquire the said right of way across said cemetery by condemnation and appraisement of commissioners under the provisions of the charter of the said New Jersey Railroad and Transportation Company, and also to take in the same manner or by agreement with the land owners an entire block or entire building lots where the route for such branch railroad shall cut such block or building lots diagonally or in a disadvantageous manner; and also, the right to lay one or more railroad tracks in Jersey City from the tracks of the New Jersey Railroad and Transportation Company aforesaid, in Railroad avenue near Warren street, eastwardly through Wayne street to Hudson's river, by agreement or condemnation and appraisement as aforesaid.

3. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately, and that all acts inconsistent herewith shall be, and are hereby repealed.

Approved March 24, 1869.

CHAPTER CCXXVII.

An Act to incorporate the Rio De Janeiro Railroad Company.

Preamble.

WHEREAS, Albert H. Hager, Silvester S. Battin, Nathan Randall, Timothy W. Lord, Edward Fales, Charles M. Randall, Henry F. Young and James Marriot, are desirous of organizing themselves as a corporation by virtue of an

act of the legislature of the state of New Jersey, based upon a decree granted by the government of the empire of Brazil to Charles Albert Morsing, dated the twenty-second day of January, anno domini eighteen hundred and sixty-eight, which decree is designated as "Decree number four thousand and eighty-two," and confers authority on said Morsing or any company incorporated in or out of the empire of Brazil under the provisions of said decree, to establish a line of railroad in certain portions of the city of Rio De Janeiro in the empire aforesaid; and whereas said decree has been assigned to certain parties residing in this state and named herein; and whereas said decree granted and assigned as aforesaid authorizes the construction and operation of said line of railroad by a company incorporated out of the empire of Brazil; *provided*, that said act of incorporation of such company shall be approved by the government of said empire; and whereas certain powers are conferred in said decree for the construction of said railroad, according to the specifications and conditions contained in said decree; and whereas the general laws of this state authorizing the formation of companies for various purposes is not of sufficient scope nor admits of sufficient freedom of corporate action for the proper management of a company to construct and operate a railroad under the decree aforesaid; now, therefore,

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Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert H. Hager, Silvester S. Battin, Nathan Randall, Timothy W. Lord, Edward Fales, Charles M. Randall, Henry F. Young and James Marriot, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Rio De Janeiro Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this incorporation.

Name.

May construct and maintain a railroad.

2. *And be it enacted*, That said company shall have power to establish, construct and operate such railroad or railroads in and about said city of Rio De Janeiro or in the empire aforesaid, either with steam or other power upon such conditions and specifications, and in such manner, as may be prescribed in said decree, granted as aforesaid, or as may hereafter be

prescribed in any decree or decrees granted by said government to the company aforesaid.

3. *And be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, with the privilege of increasing the same to three million dollars, when the directors may determine, and said stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital stock.

4. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, in the city of Newark, in this state, or in the city of Rio De Janeiro, in the Empire of Brazil, as they or a majority of them shall think proper, and the persons named in the first section hereof, shall be the directors of said company for the first year; and as soon as twenty-five thousand dollars of the capital stock is subscribed for and paid in, said directors or a majority of them, shall call a meeting of said directors, at such time and place as they or a majority of them shall agree upon, and shall at such time and place so agreed upon, proceed to choose from their number a president and vice president, one of whom shall be a resident of this state, and such other officers as they or a majority of them may agree upon; and in case of death, resignation or removal of the president, vice president, or any director, such vacancy or vacancies, may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them; and in case of absence of the president and vice president, the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide. Commissioners to open books of subscription. First directors

5. *And be it enacted*, That the directors of said corporation shall be eight, and in case it shall happen that an election of directors should not be made during the day, when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least thirty days' notice in one or more of the daily papers published in the city of Newark, in this state, and the directors for the time being shall con- Not dissolved for failure to elect.

tinue to hold their offices until others shall have been chosen in their places.

Payment of installments.

6. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company, by such installments, and at such time or times as they may direct, by giving twenty days' previous notice in a daily paper published in the city of Newark, in this state, and a daily paper published in the city of Rio de Janeiro, in the empire aforesaid; *provided*, that in case of non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and it shall be lawful for the said directors of said corporation, from time to time, at their discretion, to sell the unissued stock of the company hereby incorporated, as the business of the company may, in their judgment, seem to require, to such persons, whether stockholders or directors in the company hereby incorporated or others who may desire to take stock, as the directors may determine, and to require such payments to be made thereon, and to make such calls for installments to be paid thereon, as the directors may determine to be necessary; and to declare any share or shares of stock forfeited in the manner heretofore provided.

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General powers.

7. *And be it enacted*, That the directors of said corporation shall have power to adopt a corporate seal, and change the same at pleasure; also to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulations of the stock, property, estate, effects and business of the said corporation; and also shall have power to appoint a president and vice president and such officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to them as to said directors shall seem proper; *provided*, that such by-laws, rules and regulations be not contrary to the constitution of the United States or of this state, or the provisions or conditions of any decree or decrees granted by said empire to the corporation aforesaid; and said directors may hold their meetings, upon proper notice, either in or out of this state, and said meetings, when so held, shall be as valid as if held in this state.

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Office in Newark.

8. *And be it enacted*, That the said corporation hereby incorporated shall have an office located in the city of Newark,

in the county of Essex, in this state, and the president or vice president shall reside in this state, on whom said company shall authorize process to be served, which said service shall be a service regularly on the company; and the directors shall cause a certificate over the corporate seal of the name of such president or vice president, resident in this state, on whom they so authorize process to be served, to be filed in the office of the secretary of state of this state.

Powers.

9. *And be it enacted*, That said corporation shall have full power to exercise any and all the powers, privileges and franchises, granted or decreed them by the government of said empire, and may charge such rates of transportation, declare such dividends, sell, lease or consolidate their railroad or railroads, make contracts and engagements with any other company, corporation or individual for operating said railroad or railroads, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce a fulfillment of such contracts; and said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair such railroad or railroads, and to secure the repayment thereof by bond and mortgage or otherwise on the said railroad or railroads, lands, franchise or franchises and appurtenances of or belonging to the said corporation and at such rates of interest per annum as they shall deem proper; and to purchase with the funds of the company real and personal estate, and erect buildings, depots, stables and make such other improvements as they may deem necessary, and may survey and lay out such route or routes for their railroad or railroads, upon such conditions as may be granted to said corporation by the government of the empire aforesaid; *provided*, that nothing contained in this charter shall be contrary to the laws of or the decrees granted by the said empire of Brazil.

May borrow money and secure the same by mortgage.

May purchase and hold real estate.

Proviso.

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

Approved March 24, 1869.

CHAPTER CCXXVIII.

Supplement to the act to establish a meridian line standard in the several counties of this state.

Testing variation of compass.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of each and every person engaged in the business of surveying lands in the counties of Salem and Cumberland, in this state, to test and note the actual variation of his compass from the true meridian line standard of his county, at least twice in every year, which shall be in the months of April and October, and to deposit a certificate of the same under his hand, with the date and time of such test, with an affidavit verifying its correctness with the clerk of the county in which he may reside, to be by him recorded in a book provided for that purpose, which certificate shall be in the following or like form: "On the day of Anno Domini, , I, A B, a practical land surveyor of the county of , did test and note the actual variation of my compass from the true meridian line standard of said county, and find that the north end of the needle points degrees and minutes to the west of said meridian line standard, signed A B;" and every surveyor neglecting or refusing to comply with the provisions of this or any other section of this act shall be liable to a penalty of fifty dollars, to be sued for and recovered with costs in an action of debt before any justice of the peace, by and in the name of the clerk of such county, or by any other person, for the use and benefit of such county, to be applied on recovery to such county uses as the board of chosen freeholders of the county where the same is recovered shall direct.

Penalty.

How surveys must be made out and returned.

2. *And be it enacted*, That as soon as any surveyor of land as aforesaid, shall test and note the variation of his compass, and deposit his certificate of the same with the clerk of the county under oath, as in the preceding section is ordered and directed, he shall in all surveys made by him thereafter, make out and return the same according to the true instead of the magnetic bearings, and in all deeds of conveyance, divisions of lands, quit claims, roads, or any other matter wherein

courses and distances are concerned (if a new survey be made), the true instead of the magnetic bearings shall be inserted, and a note made thereof, that they are such, in some part of the instrument containing them.

3. *And be it enacted*, That for recording each certificate of variation and affidavit of the correctness of the same appended, the county clerk shall be allowed the sum of twenty-five cents, to be paid by the party presenting the same for record, and the sum of fifteen cents for taking the affidavit appended to be paid in like manner. Compensation of clerk.

4. *And be it enacted*, That this act shall only apply to the counties of Salem and Cumberland, and that it shall take effect immediately. Limitation.

Approved March 24, 1869.

CHAPTER CCXXIX.

An Act to authorize the Southside Railroad Company to erect a bridge over the Delaware river.

WHEREAS, in and by an act of the legislature of the state of Pennsylvania, entitled "An act to incorporate the Southside Railroad Company," approved the eleventh day of April, eighteen hundred and sixty-eight, it is thus provided and enacted: "Section 3. That the said company shall have the right to construct a railroad from any point in Lehigh, Moore or Plainfield townships, Northampton county, Pennsylvania, by such route as they may deem expedient, to the Delaware river; and with the consent of the state of New Jersey, may bridge the river Delaware, and connect with any railroad in said state, and may make such bridge a railroad, toll and passenger bridge, and levy and collect such tolls, for wagons and foot passengers, as the board of directors may deem proper, and said company may also build branches, or extend their road so as to connect with any other railroad in Northampton and Lehigh counties;" therefore, Preamble.

May erect bridge and use and collect tolls thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Southside Railroad Company to erect, use and collect tolls upon such bridge over the river Delaware, at or near the mouth of Martin's creek, and, with the consent of the Belvidere Delaware Railroad Company, to connect with their railroad in the township of Harmony, opposite the mouth of Martin's Creek, said Southside Railroad Company paying all damages to private property; *provided*, that such bridge shall be so built as to accommodate teams and foot passengers, and that the tolls charged for wagons, animals and foot passengers, shall not, from time to time, exceed the highest rates charged on any other bridge between Belvidere and Trenton.

Proviso.

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

Approved March 24, 1869.

CHAPTER CCXXX.

A Supplement to an act entitled "An Act to incorporate the Passaic Brick, Tile and Manufacturing Company," approved April second, eighteen hundred and sixty-eight.

May construct a canal or canals for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Passaic Brick, Tile, and Manufacturing Company, by themselves or their assigns, to cut, dig and construct a canal or canals in and through their lands, and in and through contiguous and other lands with the consent of the owners of such contiguous or other lands in the township of Wayne, in the county of Passaic; and to keep, maintain and use the same for the purpose of transporting brick and other materials and goods thereon, and to contract with other parties for the use thereof and for such transportation; and to connect the same with the canal of the Morris Canal and Banking Company, in such manner and upon such terms as may

be mutually agreed upon by said compnnies; and if the same shall cross any highway or public road, the owners of such canal or canals so crossing the same, shall keep and maintain good and sufficient bridge or bridges over said canal or canals, for travel and passage on such road or highway.

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

Approved March 24, 1869.

CHAPTER CCXXXI.

An Act to incorporate the Cape May Mutual Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William F. Sewell, John C. Bullitt, Daniel B. Hughes, John W. Lycett, Leaming M. Rice, Levi J. Hughes, Isaac Whillden 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 law, by the name of "The Cape May Mutual Fire Insurance Company," the office thereof to be located in the city of Cape Island, and by that name they and their successors shall and may have succession during the continuance of this act, and shall have power to sue and be sued, and to defend and be defended in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the name of "The Cape May Mutual Fire Insurance Company," shall be in law capable of purchasing, possessing and enjoying, to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purposes of this corporation, and they may grant, demise, alien and dispose of the same at pleasure for the benefit of said company, and also may make and establish such by-laws and regulations as to them shall seem neces-

Corporators.

Name.

May hold, sell, and convey property.

sary and expedient for the well ordering and government of said institution.

Power to insure against damage by fire.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to insure dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire, and generally to insure against all losses pertaining to fire.

Directors, how elected.

3. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by not less than five nor more than thirteen directors, to be chosen by ballot, by and from among the members, to hold their office for one year, and until others are chosen to fill their places, and the election for directors shall be held on the third Monday in April in every year, at the office of the company or such other place as a majority of the directors for the time being shall appoint, of which election the secretary shall give public notice in a newspaper published in the city of Cape Island, at least two weeks immediately preceding such election; and if any of the said directors shall die or refuse to serve, or neglect to act in said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when pursuant to this act it ought to have been, the said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors, and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors, namely: William F. Sewell, John C. Bullitt, Daniel B. Hughes, John W. Lycett, Leaming M. Rice, Levi J. Hughes, and Isaac Whilldin.

Failure to elect not to work a forfeiture.

Election of president.

4. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at every annual meeting of the directors in each year after, they 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.

May take premium notes for insurance.

5. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole of the premium of insurance, in proportion to the

amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Policies of insurance, how issued.

6. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and 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, such assessment not to exceed the amount of the note or obligation given by each member, which rates or assessments shall be approved of by a majority of the directors, and notice shall be given to each member, or his lawful representatives, 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.

Assessment for losses, proceedings thereon.

Officers may borrow money

7. *And be it enacted*, That it shall be lawful for the officers and directors, and they are hereby authorized and empowered to borrow, on the credit of said corporation, from time to time, such sum or sums of money, not exceeding at any one time ten per centum of the amount of the premium notes held by said company, for the purpose of paying losses and current expenses.

8. *And be it enacted*, That it shall not be lawful for the president or director of any other fire insurance company to be president or director of the company incorporated by this act.

Limitation.

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

for the space of thirty years; but it shall and may be lawful for the legislature at any time to alter or repeal the same.

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

Approved March 24, 1869.

CHAPTER CCXXXII.

An Act concerning Chattel Mortgages.

Right of mortgagee or owner under chattel mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every chattel mortgage shall vest in the mortgagee, or owner thereof, the right to the possession of the chattels therein described, so far as may be necessary for the purpose of preventing the removal thereof out of the county wherein they did lie at the time of the execution or delivery of such mortgage, and of recovering such chattels in case the same shall have been removed out of such county.

Court may regulate disposition of chattels mortgaged.

2. *And be it enacted*, That when such chattels shall be so removed by any party and recovered by the mortgagee or owner of the mortgage by means of legal proceedings, or when the removal thereof shall be prevented by like proceedings, the court in which such proceedings are had may regulate the disposition of such chattels and prescribe such terms for the possession thereof by the mortgagee or other person interested therein as will protect the rights of such mortgagee or owner of such mortgage.

Limitation.

3. *And be it enacted*, That this act shall not apply to any vessel, rolling stock of railroads, or to any chattels which, in in the ordinary use thereof, at the time of the execution of the mortgage, are taken from time to time out of the county wherein they did lie when so mortgaged.

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

Approved March 24, 1869.

CHAPTER CCXXXIII.

An Act to incorporate the Vincentown and Shamong Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaiah Haines, John S. Irick, John Butterworth, Nathan Wright, Eli Bowker, William C. Paterson, Manasses Dellett, Charles S. Kemble, Edward I. Thompson, Eli Crammer and Henry J. Irick, and such other persons as may be hereafter associated with them, 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 "Vincentown and Shamong Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and p'ace or places as they, or a majority of them, may think proper; and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners or a majority of them shall give notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the Commissioners to receive subscriptions to capital stock. Election of directors.

said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of president.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise, until the next succeeding annual election.

Not dissolved by failure to elect

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election public notice shall be given at least two weeks, in one of the newspapers published in the county of Burlington, and such election shall be made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; four directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such installments and at such times as they may direct; *provided*, that such payments shall not exceed ten dollars on each share per month, and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them, and also to the president, as to the said directors shall appear proper.

Proviso.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient

to survey, lay out and construct a railroad from a point at or near Vincentown, in the county of Burlington, to any point in Shamong township, not further than Atsion, in said county; *provided always*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route of said railroad, and of locating the same, and to make and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, to erect embankments, bridges, and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, shall be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Proviso

Proviso.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of said road,

Proceedings when company and owners of land cannot agree.

shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown, and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and

enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days' after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie. Proviso.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commission- Parties aggrievedmay appeal.

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

Proviso.

Bridges to be kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

Rates of fare, &c.

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

wagons, carriages or cars for the transportation of persons, or any species of property on the said railroad or any railroad connected with it, as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than five cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than six cents per mile per ton for the transportation of any description of property; and the said railroad, with the appendages and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of their charter. Proviso.

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

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

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

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

15. *And be it enacted*, That as soon as the said railroad,

Statement of costs and expenses to be made and filed

or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships;

Proviso.

provided, that no other tax or impost shall be levied or assessed upon said company.

May issue bonds and secure the same by a mortgage

16. *And be it enacted*, That the said Vincentown and Shamong Railroad Company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair their road, and furnish all necessary engines, machinery for the uses and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum interest per annum; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, and redeemable in thirty years from date.

roviso.

Marl company may subscribe for a portion of stock.

17. *And be it enacted*, That the Vincentown Marl Company be, and they are hereby authorized through their board

of directors to subscribe for and take the stock of the company incorporated by this act, to an amount not exceeding the sum of twenty thousand dollars; *provided*, the stockholders of said marl company owning two-thirds in value of the stock of said company assent in writing to said subscription. Proviso.

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

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

Approved March 24, 1869.

CHAPTER CCXXXIV.

An Act to incorporate the Perrineville and Monroe Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns shall be and hereby are ordained, constituted and made a body corporate and politic, in fact and in law, by the name of "The Perrineville and Monroe Turnpike Company," and that the following named persons, to wit: George Thompson, Ezekiel Davison, John J. Rue, Michael M. Fly and Joseph W. Dey, or a majority of them, are hereby appointed commissioners to open subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in the Monmouth Democrat and Monmouth Inquirer, newspapers printed and published in Freehold, in the county of Monmouth. Name. Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of the said company shall be eight thousand dollars, and shall be divided Amount of capital stock.

into shares of twenty-five dollars each; that at the time of subscribing to said stock two dollars shall be paid in cash upon each share subscribed for to the said commissioners, or any of them; which money shall be paid over to the treasurer of said company, so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer, in such installments, and at such times and places as the board of directors of said company shall from time to time direct; that upon the failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of said company.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when fifty shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of said stockholders, giving at least ten days' notice of the time and place of said meeting in the newspapers aforesaid; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, five directors for the term of one year, who shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of the said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot five directors, who shall be citizens of this state, and the judges of such election shall be appointed by the president; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof, in person or by proxy; and in case it shall happen that any election of directors shall not be made on the day when, pursuant to this act, it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Election of president, his powers and duties.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company for the term of one year, and until another shall be

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

Annual statement.

5. *And be it enacted*, That at the annual meeting of the stockholders the board of directors for the preceding year shall exhibit to them a full and complete statement of the company during their said term, and the said company shall have the privilege of erecting toll houses and collecting toll as soon as one mile or more of said road is completed.

May build turnpike road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Ezekiel Davison's distillery, in Perrineville, in the township of Millstone, in the county of Monmouth, to run northerly to a point at or near the place where the public road leading from said distillery to the former residence of Daniel D. Reid, crosses the Hightstown and Manalapanville turnpike road in the township of Monroe, in the county of Middlesex, and ending there; and the said company may by their officers, agents or other persons in their employ enter from time to time, and at all times upon all lands necessary to make said road, and also to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, that before said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the land selected for constructing the said turnpike road, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter

Proviso.

provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, sand or clay from his or her lands for the constructing or maintaining of said turnpike road.

Width of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-six feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, plank, clay, or gravel, to make a good and firm road, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than eighteen feet in breadth, and whenever said road in passing over low ground shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected on the sides so as to prevent horses and carriages running off.

Proceedings in case no agreement can be made with owners of property.

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

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

Rates of toll.

9. *And be it enacted*, That as soon as the said company shall have constructed said road according to the directions of this act, and the true meaning and intent thereof, it shall and may be lawful for them to erect toll houses upon and gates or turnpikes across the same, and to demand and receive toll for traveling each mile and all fractions of a mile of the said road at the following rates, to wit:

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

and it shall and may be lawful for the toll gatherers to stop all persons riding, leading or driving any horses, cattle, mules or sheep, calves or hogs, or carriages of burthen or pleasure at the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to de-

Proviso.

mand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from any part of his farm to any other part of the same, on the common business thereof.

Mile stones to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Perrineville, and shall cause to be fixed at the gates or pikes, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs; penalty ten dollars."

Penalty for injuring mile stones or posts and for forcibly passing toll-gates.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the milestones or posts so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of ten dollars, beside being subject to an action for damages for the same, to be recovered by the said company by action of debt; or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or vehicle, turn out of said road to pass a gate or gates upon private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof, in an action of debt with costs of suit.

Penalty for demanding excessive tolls

12. *And be it enacted*, That if the said company shall demand more toll than is by this act established, it shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person defrauded.

Penalty for neglecting to turn to the right.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every description, whether of burden or pleasure, or persons on horseback, using the said road, shall keep their horses or vehicles on the right hand side of the road, free

and clear from other vehicles or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage and will sue for the same, and shall also be subject to an action for damage for every such offence, to be recovered with cost of suit.

Proceedings when turnpike is not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Monmouth, upon complaint being made to him in writing, stating the bridge or part of road that is out of repair, and specifying the particular defect, and after four days' notice in writing to said company, specifying the particular part of the road or bridge, the particular defect complained of, and after hearing the parties, if the said company should not have mended or repaired the bridge or part of the road complained of, to appoint, under his hand and seal, three judicious, disinterested freeholders of the county of Monmouth, not residing in any township through which said road passes, who having been duly qualified according to law to act impartially in the case, shall proceed to view and examine the said part of the turnpike road or bridge so complained of and report to the said judge, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to the said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes established on the division complained of, to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open said gate or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay twelve dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or mended said road or bridge in the particular complained of, he shall by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpike to be shut, and the toll to be collected as before, and the said fee shall be allowed and paid as before directed;

but if, on the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

Route of road.

15. *And be it enacted*, That the said company may construct their said turnpike on and over the following route: Beginning in the public road at Perrineville, near Ezekiel Davison's distillery, and running thence northerly along or near the most direct public road, by such courses as the majority of the stockholders of said company may agree upon, to a point at or near the place where the public road leading from said distillery to the former residence of Daniel D. Reid, crosses the Hightstown and Manalapanville turnpike road, in the township of Monroe, in the county of Middlesex;

Proviso.

provided, so much of the public road as is followed and taken between the aforesaid termini of the Millstone and Monroe turnpike road be, and the same is hereby vacated as soon as this turnpike is organized.

May borrow money.

16. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to discharge any indebtedness of said company contracted in the construction or repairs of their road in whatever form the same may be, not exceeding the sum of five thousand dollars, and to secure the repayment thereof by the execution and negotiation of a bond or bonds, secured by mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, which mortgage shall constitute a first lien thereon.

Privileges and liabilities.

17. *And be it enacted*, That this act shall take effect immediately, and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled, "An Act concerning corporations," so far as the same are applicable.

Approved March 24, 1869.

CHAPTER CCXXXV.

A Further Supplement to "An Act to incorporate Trustees of Religious Societies," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, and the supplements thereto, with all the penalties, privileges and advantages thereof, shall be and hereby are extended to and for the benefit of associations known as "Young Men's Christian Associations," in the state of New Jersey. Provisions of act extended.

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

Approved March 24, 1869.

CHAPTER CCXXXVI.

An Act to amend "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty ninth, eighteen hundred and sixty-four.

WHEREAS, the council of said town, August fourteenth, eighteen hundred and sixty-seven, passed an ordinance to provide for the grading, regulating, curbing, guttering, flagging and cross-bridging of Hudson avenue and that part of said avenue formerly called Durar street, from the northerly side of Hackensack plank road to the southerly side of Fulton street; and whereas, the said improvement has been completed, and an assessment made therefor, but said assessment is not deemed proper; and whereas, it is de- Preamble.

sirable that the work should be confirmed and said assessment should be set aside and a new one made; therefore,

Amount due for work done to be determined by arbitrators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said ordinance and all the proceedings of said council thereunder, except the assessment made, shall be as valid and effectual in law as if every provision of the town charter had been faithfully and fully complied with, and the same appeared of record on the minutes and proceedings of said council; that the amount due the contractors for work and materials furnished on said improvement shall be determined by five arbitrators, two to be chosen by the council of said town, two to be chosen by the contractors for said improvement, and the fifth to be chosen by the four arbitrators thus chosen; that the award given by these arbitrators, or a majority of them, shall be final, and the said arbitrators shall value the work and materials actually done and furnished according to the prices thereof at the time the contract was made.

Commissioners shall determine the costs and expenses of improvements

2. *And be it enacted*, That the assessment heretofore made by the commissioners in said ordinance be and the same is hereby set aside and shall be for nothing holden, and the council of said town shall by resolution appoint three commissioners, who shall determine the costs and expenses of such improvement and assess the same in the manner set forth in section eleventh of a supplement to the act incorporating said town, which said supplement was approved March twenty-sixth, eighteen hundred and sixty-eight; said commissioners thus appointed to allow the contractors who have done the work on said avenue, interest on the amount due them under their contract with said town for said work, from the twentieth day of September, eighteen hundred and sixty-eight, at the rate of seven per centum per annum, and said commissioners to take the amount due the contractors as found by said arbitrators.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 24, 1869.

CHAPTER CCXXXVII.

An Act to incorporate the Englewood Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Hoadley, George S. Coe, Daniel Drake Smith, Garret A. Lydecker, John Van Brunt, J. Wyman Jones, Cornelius Lydecker, Nathan T. Johnson, Ed. S. Monroe, J. Smith Homans, junior, John Van Buskirk, Joseph B. Miller and Washington R. Vermilyea, and such other persons as may hereafter be associated with them, and their successors, shall be and are hereby made, constituted and declared a body corporate and politic, by the name of "The Englewood Savings Bank," and by that name shall be capable of purchasing, taking, holding and enjoying any real or personal estate in fee simple or otherwise, disposing of the said real and personal estate, or any part thereof at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon the investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars. Corporators. Name. Proviso.

2. *And be it enacted*, That the said corporation shall be conducted by the said board of trustees or managers, seven of whom, if the president or vice president be present, shall constitute a legal meeting of the board. Management.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for managing and directing the affairs of the corporation, and to regulate the rate of interest to be allowed to the depositors and the compensation to their officers. Powers.

4. *And be it enacted*, That the several persons named in the first section of this act shall be the first managers of said corporation, and shall elect the president, vice president and such other officers as they may see fit from their own body, and all vacancies by death, resignation, or otherwise, shall be filled by the board of managers at their first regular meeting after such vacancies shall occur, by ballot, and Vacancies, how filled.

the persons having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

When money may be borrowed.

5. *And be it enacted*, That the managers shall not directly or indirectly borrow money from said corporation or use the same except to pay necessary expenses.

Deposits.

6 *And be it enacted*, That the said corporation shall receive as deposits all sums of money which may be offered for that purpose in such sums and on such terms as the by-laws shall prescribe, and the said corporation may accept and execute all such trusts of every description as may be committed to them by any person or persons, or transferred to them by order of any court.

Stocks in which money may be invested.

7. *And be it enacted*, That the said corporation shall not invest money in any public stocks other than such as are created under the laws of the United States or of this state, or of the states of New York or Pennsylvania, or of the stocks or bonds of the city of New York or of any city or county of this state, nor on bond and mortgage, except on unincumbered real estate worth double the amount of the sum invested, nor in stocks or loans of any incorporated company whatever.

Minors may make deposits and receive moneys.

8. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor being a minor such sums as may be due to such depositor, not exceeding five hundred dollars, in cases where no proof is furnished of the existence of a guardian of such minor, and the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, deposits shall have been made personally by such minor and not by any other person for his or her benefit; and when any deposit shall be made by any female, being or becoming thereafter a married woman, the said corporation shall pay to such last mentioned depositor such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

Proviso.

Misnomer not to vitiate any deed, &c.

9. *And be it enacted*, That the misnomer of said corporation in any instrument shall not vitiate the same, if it be sufficiently described to ascertain the intention of the parties.

Annual report to be made.

10. *And be it enacted*, That it shall be the duty of said corporation to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, of

three of their number, of the state of its funds, and such statement shall be published in a newspaper published in Englewood aforesaid, or if there be no such paper, in a newspaper published in the place nearest thereto.

Place of business, &c.

11. *And be it enacted*, That the office or place of business of said corporation shall be at Englewood, and the books of said corporation shall, at all times during its business hours, be open to the inspection and examination of such person or persons as the legislature shall designate.

Act, how construed.

12. *And be it enacted*, That this act shall be construed in all courts favorably and benignly, for every beneficial purpose therein intended, and that this act may be altered or amended at any time hereafter.

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

Approved March 24, 1869.

CHAPTER CCXXXVIII.

An Act to authorize the Town Committee of the Township of Woodbridge, in the county of Middlesex, to have the roads in the said township worked by contract.

Powers and duties vested in town committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all duties heretofore devolving upon the overseers of the highways in the township of Woodbridge, in the county of Middlesex, are hereby vested in the town committee of the said township, subject to the same regulations, restrictions and penalties as are now imposed upon such overseers of the highways by statute; and the said town committee of the said township are hereby authorized and empowered to have all such work, heretofore made the duty of the said overseer of the highways of said township, done and performed by contract.

Proposals to be received for work to be done.

2. *And be it enacted*, That the said town committee shall, ten days previous to the making of any such contract as authorized in the preceding section, advertise for proposals

to do such work by notices posted in five conspicuous places in the said township, and such contract shall at all times be awarded to the lowest bidder or bidders, upon his or they giving ample and satisfactory security to the said town committee of the said township for the performance of the work to be done, according to the contract, and payments may be made on all contracts for doing such work, in installments as the work progresses.

Contracts and expenses, how paid.

3. *And be it enacted*, That said town committee are empowered to assess and collect, as all other township taxes are assessed and collected, an amount sufficient to pay all contracts and expenses attending same, made in pursuance of section two of this act.

Repealer.

4. *And be it enacted*, That all acts inconsistent with this act, so far as the same applies to Woodbridge township, are hereby repealed; and that this act shall take effect immediately.

Approved March 24, 1869.

CHAPTER CCXXXIX.

An Act to extend the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," to the school district of New Germantown, in the township of Tewksbury, in the county of Hunterdon.

Provisions of act extended.

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

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

Approved March 24, 1869.

CHAPTER CCXL.

An Act to amend an act to incorporate the Bartlett Zinc Company, approved March twenty-sixth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the aforesaid corporation shall be changed to the Bartlett White Lead and Zinc Company. Change of corporate name.

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

Approved March 24, 1869.

CHAPTER CCXLI.

An Act to alter the boundary line between the city of Newark and the township of Clinton, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all of that portion of the township of Clinton, lying eastwardly and northerly of a line beginning at a point on South Orange avenue, at the dividing line between the township of Clinton, South Orange and the city of Newark; thence southerly in a straight line to a point in the westerly line of Montgomery avenue, between the Newark and Springfield turnpike and the Newark Boundaries.

and Irvington plank road, in range with the northerly boundary of the property belonging to D. Westervelt; thence easterly in a straight line to a point on the northeast corner of Ezra Reeves' farm, adjoining the Newark Shooting Park; thence southerly in a straight line to a point in the northerly line of Hawthorne avenue, where the same is intersected by the southeasterly line of Philip Tillinghurst's property; thence southeasterly along said northerly line of Hawthorne avenue to the westerly line of Elizabeth avenue; thence southeasterly in a straight line to the mouth of Hays Brook, at Bound Creek, on the dividing line between Clinton and Newark, shall be and hereby is, annexed to the city of Newark.

Portion annexed to the sixth ward of Newark.

2. *And be it enacted*, That so much of the aforesaid township of Clinton lying south of the South Orange avenue, and north of Springfield turnpike, shall become a part of the Sixth ward; and so much of the aforesaid territory lying south of Springfield avenue and north of the Irvington plank road, shall become a part of the Thirteenth ward, and all the remaining territory so annexed, shall become a part of the Third ward of the city of Newark, and shall constitute parts of the same assembly districts as those in which the said wards have been heretofore included; and the whole portion so as aforesaid annexed shall constitute a portion of the fifth congressional district; and all the provisions of an act entitled "An Act to revise and amend the charter of the city of Newark," and the various supplements thereto and all the laws of the state applicable to the city of Newark, shall be in full force and application in the said portion so as aforesaid annexed, the same as if said portion constituted a part of the original territory of said city.

Shall be a part of the fifth congressional district.

Commissioners to make allotment and division of property, &c.

3. *And be it enacted*, That Charles Harrison and Isaac O. Wade, of the township of Clinton, and Daniel Dodd, Moses Bigelow and James G. Barnet, of the city of Newark, shall be and are hereby appointed commissioners to allot and divide, and set over to the city of Newark, so much of the property and money on hand, due and to become due, now belonging to the township of Clinton, as shall bear the same proportion to the whole property of the township, as the taxable property and ratables of the whole township as taxed by the assessor at the last assessment; and to ascertain the just proportion of debts, if any there should be, now owing by the said township, to be paid by the city of

Newark according to the same proportion; said commissioners shall meet at City Hall, in the city of Newark, on the second Wednesday in April next ensuing, at ten o'clock in the forenoon, and may adjourn from time to time as the majority may direct; and if any of said commissioners should die, or neglect or refuse to meet as aforesaid, those assembled may proceed to fill the vacancy, by the appointment of a suitable person, who shall be a citizen of the place in which such deceased or absenting officer resided; the decision of the majority of the commissioners present shall be final and conclusive; and the said commissioners may execute and deliver valid deeds and releases for the conveyance of the property aforesaid; and the mayor and common council of the city of Newark, shall pay the proportion of the existing debt of the township of Clinton determined as aforesaid, at the time or times when payment of principal or interest thereon shall become due and payable.

Duplicates of ascertainment to be made and filed.

4. *And be it enacted*, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of the said debts to be paid by the inhabitants of the said city of Newark, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the said township of Clinton, to be by him filed and preserved, and the other to the clerk of the said city of Newark for the same purpose.

Paupers.

5. *And be it enacted*, That any pauper who has acquired a settlement within the bounds of that part of the township of Clinton hereby annexed to the city of Newark, shall be chargeable to the city of Newark.

Exempt from war or bounty debt of the city.

6. *And be it enacted*, That the inhabitants and tax payers of that part of Clinton township hereby annexed to the city of Newark, shall not be liable to assessment or to pay any tax on account of the war or bounty debt of said city.

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

Approved March 24, 1869.

CHAPTER CCXLII.

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

Overseers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseer of the highways for the second road district in the township of Bordentown, in the county of Burlington, shall be nominated and elected by ballot by a majority of the inhabitants, being legal voters in and for said district.

Time of holding election.

2. *And be it enacted*, That such election shall be held in said road district on Wednesday following the second Tuesday in March annually, between the hours of eleven o'clock, A. M., and seven o'clock, P. M., at such place as the inhabitants of said road district designate, by giving five days notice thereof in writing, to be put up at two or more public places in said road district.

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

Approved March 24, 1869.

CHAPTER CCXLIII.

A Supplement to an act entitled "An Act to incorporate the Bergen County Mutual Assurance Association," approved March tenth, eighteen hundred and forty-one.

Premiums, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall become a member of said association, by effecting insurance therein, shall, before he receives his policy, at the option of

said association, deposit his promissory note, as required by the act to which this is a supplement, or shall pay in cash such sum of money as shall be determined by the directors to be the premium for said insurance.

2. *And be it enacted*, That said act, and this supplement thereto, shall continue in force for thirty years from the expiration of the time fixed in section ten of said act; and it shall be lawful for the legislature, at any time hereafter to amend, modify or repeal the same. Limitation.

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

Approved March 24, 1869.

CHAPTER CCXLIV.

An Act to set off a part of the Township of Andover to the Town of Newton, in the County of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Andover, in the county of Sussex, lying next to and adjoining the town of Newton, that is bounded by the following courses and distances, to wit: beginning at one of the corners of the town of Newton, near the dwelling house of Benjamin F. Sherwood, (formerly Halsted F. Townsend's), said corner being where a small stream of water crosses the road from Newton to Sparta, and under the railroad from Newton to Waterloo; thence (1) from the southerly edge of the culvert south thirty-nine degrees, east twenty-three chains and twenty-five links to the southeast corner of Captain G. Fitts' lot, near a butternut tree; (2) south forty-three degrees and forty-five minutes, west four chains, to a basswood tree marked with a blaze and three notches on four sides; (3) north fifty-one degrees and ten minutes, west until it intersects the line of the town of Newton, running from the Devil's Hole to the aforementioned culvert, shall be set off from the said township of Andover, and shall become a part of the said town Boundary lines.

of Newton, and shall be subject to the said town of Newton in her corporate capacity.

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

Approved March 24, 1869.

CHAPTER CCXLV.

A Further Supplement to an act entitled "An Act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five.

Additional corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore P. Howell and Merit H. C. Vail be additional incorporators.

Time for completing road extended.

2. *And be it enacted*, That the time mentioned for the completion and putting in use of said railroad in the eighteenth section of the act, and the second section of the supplement to which this is a further supplement, shall be extended for three years, thereby making such time seven years from the fourth day of July, eighteen hundred and sixty-five.

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

Approved March 24, 1869.

CHAPTER CCXLVI.

An Act to incorporate the Ferromonte Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Lewis, Jacob Vanatta, Caspar D. Schubarth, Thomas Beaver, Seldon T. Scranton, Augustus C. Canfield, Edmund Canfield, James B. Lewis, Francis A. Canfield, and James Shaw, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate by the name of "The Ferromonte Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods or chattels whatsoever necessary and expedient for the object of this incorporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books of subscription to the capital stock of said corporation, at such times and places as they or a majority of them may think proper, giving notice thereof two weeks prior to the opening of said books, by publishing the same in the newspapers published at Morristown, in the county of Morris. Corporators to open books of subscription.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to the said commissioners; and when one hundred shares of the capital stock shall be subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose five directors, a majority of whom shall be residents in this state; the election shall be held in this state by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or any two of them, shall be in- Directors, and how elected.

spectors of said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and money paid in, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

Not dissolved by failure to elect.

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

Payment of installments.

6. *And be it enacted*, That three directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by installments not to exceed twenty-five dollars on each share; *provided*, that no two installments shall be demanded within thirty days of each other; and in case of non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate and effects of said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Proviso.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the iron mines known as and called the Dickerson mines, in the township of Randolph, in the county of Morris, to some convenient and accessible point or points on the Morris canal, in the county of Morris, with the privilege of extending the said railroad northwardly to the adjacent mines, and particularly to the Byram and Baker mines, in the county of Morris, and southwardly to the Lewis mine and the Horton mine, in the township of Chester, and of constructing such spurs or branch roads as may be necessary to afford access to the adjacent mines in the said county of Morris, subject to the restrictions herein contained; and it shall be lawful for said company to lay out and locate the railroads and spurs or branches hereby authorized, sixty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate lands necessary for such purposes in the manner and form and upon making payment therefor as is hereinafter provided; and for the purpose of cuttings, embankments, and procuring gravel and stone may, in the manner and form, and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road; and said company are hereby invested with all powers necessary or convenient to survey, locate and lay out, construct and maintain said road, and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands and waters for the purpose of exploring, levelling, surveying and laying out a practicable route for such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private or other property; and when the route and location of said road or of the spurs or branches, or any portion thereof, shall have been settled and determined upon, then it shall be lawful for said company by its officers, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for

May construct and make a railroad.

the completion and repairs of said railroad, and to carry into full effect the objects of this act when, and so soon as said corporation shall have obtained the right and title to the lands or the use of the same upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulations, and upon such terms as are hereinafter provided for; and it shall be the duty of said company to cause a particular survey and description of any land or lands proposed by them to be taken for the purposes of the railroad to be made and deposited in the clerk's office of the county of Morris, or of the county wherein such lands lie, before they proceed to acquire the title thereto.

Proceedings when company and owners of lands cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of any such required lands, for the use or purchase thereof, or, when, by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also, the name or names of the occupant or occupants, if any there be, and of the owners or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons intersted, if known and in this state, or if unknown and out of the state, to make publication thereof, as he shall direct for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said lands or materials, and to assess the price or value thereof, and the damages sustained by the owner thereof arising from the removal, making and maintaining the fencing on the line of the said railroad through any improved lands over which the same may run, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some

person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of such damages as shall be paid by said company for such lands or materials and damages aforesaid; which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of land or materials, and the appointment and oath or affirmation aforesaid, in the clerk's office of the county in which the land or materials are situated, to remain of record therein, which said report shall also be recorded by said clerk in the ordinary record of deeds, after the same shall have been proved or acknowledged by said commissioners in the same manner and before such persons as deeds are proved or acknowledged in this state, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and upon reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall be paid by the said company; *provided always*, that should the said company or the owner or owners of any of the lands or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie. Proviso.

9. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, Parties aggrieved may appeal.

shall be made in writing and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue, for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners shall have awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever thereon, or otherwise appropriating said land to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners, or in case the party or parties entitled to receive the same shall refuse to receive the amount so assessed as aforesaid, then until legal tender thereof shall be made by said company, its agent or agents; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*,

Proviso.

Proviso.

the party or parties entitled to receive said amount found due by the said commissioners, may receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proceedings in case of error in acquiring title.

10. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

Bridges to be kept in repair.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over and under said railroad, where any public or other road shall intersect or cross the same, so that the passage of carriages, horses and cattle across the said railroad shall not be obstructed.

May purchase and hold real estate.

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

Dividends.

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

Rates for carrying freight.

14. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company all machines, engines, wagons, carriages or cars for the transportation of property on the said railroad, or any railroad connected with it as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of thirty cents per ton

Proviso.

per mile for carrying thereon of every species of merchandise, produce, property or freight.

May make contracts.

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

Penalty for injury to works.

16. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or any of their works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction in an action of debt; and further shall be liable for three times the amount of damages sustained by means of such injury, to be recovered in the name of the corporation with costs of suit.

President must file statement of cost of railroad.

17. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road, and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per cent. on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or

townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

18. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed from the Dickerson mines to the Morris canal, or a feeder thereof, within ten years from the fourth day of July next, then and in that case this act shall be void. Time for commencement and completion.

19. *And be it enacted*, That the said company shall have the power, and they are hereby authorised to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges, and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, and to sell or negotiate the same, at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and equity, and the purchaser or purchasers, under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers, and privileges which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein. May borrow money and secure the same by mortgage.

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

Approved March 24, 1869.

CHAPTER CCXLVII.

An Act to authorize the Bergen Turnpike Company to sell and convey a part of their turnpike road.

Preamble. WHEREAS, that part of the turnpike road of "The Bergen Turnpike Company" lying on the easterly side of Weehawken hill, runs diagonally through the streets as laid out and planned in the city of Hoboken, whereby the order and uniformity in said streets is rendered difficult or impossible, and the property along the same seriously injured in its use and value, and no necessity exists for the maintenance of that part of the said turnpike for the accommodation of any public travel within said city; and whereas, the said, "The Bergen Turnpike Company," have, in and by their agreement, made the twentieth day of January, eighteen hundred and sixty-nine, to and with "The Hoboken Land and Improvement Company," covenanted and agreed for the consideration therein stated, to give up, surrender, assign and convey to the Hoboken Land and Improvement Company all that part of their said turnpike road extending from the foot of Weehawken hill on the east side, through the city of Hoboken to the southerly terminus of said turnpike, at or near the ferry between Hoboken and the city of New York, together with all the right, title, interest and property of the said the Bergen Turnpike Company, in and to the lands over which said turnpike road now lays, and all their corporate rights and franchises in or appertaining to that part of their said road, with power to vacate and discontinue the same as soon as a reasonably convenient street shall be opened and put in good order for travel, from that part of the said turnpike road retained by said turnpike company to the Hoboken ferry, and have also agreed, on terms in said agreement stated, to assign and convey to said the Hoboken Land and Improvement Company, all their right and interest in a certain lease made by the said the Bergen Turnpike Company, to the Hoboken and Weekawken Railroad Company; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said agreement made by and between the Bergen Turnpike Company of the one part, and the Hoboken Land and Improvement Company of the other part, be and the same is hereby ratified and confirmed, and the said the Bergen Turnpike Company are hereby authorized and empowered to give up, transfer and convey to the Hoboken Land and Improvement Company, all that part of their turnpike road extending from the foot of Weehawken hill on the east side through the city of Hoboken, to the southerly terminus of said road at or near the Hoboken ferry, and all their corporate rights and franchises appertaining to that part of the said turnpike road, and to sell and convey to the said the Hoboken Land and Improvement Company, all their right, title, interest and property in and to the land over which that part of the said road lies, and they are authorized hereby to sell, assign and transfer to the said the Hoboken Land and Improvement Company, all their right and interest in the lease given by them to the Hoboken and Weehawken Horse Railroad Company; and the said the Hoboken Land and Improvement Company are authorized and empowered to take such conveyance from the said "The Bergen Turnpike Company," and upon such conveyance being made to vacate, take up and discontinue the said turnpike road or any part thereof, whenever a reasonably convenient public street or highway suited to public travel shall connect the remaining part or parts of said turnpike with the Hoboken ferry, and upon such vacation or discontinuance of the road conveyed to run the streets of the city of Hoboken over the lands now occupied by said turnpike road, or over such part of said lands as may be necessary, and to take and hold such lands, or such parts thereof as may not be needed for public streets, and use, occupy, possess and enjoy, and sell and dispose of the same as of their own property; *provided*, that neither the said the Hoboken and Weehawken Horse Railroad Company nor any other railroad company now incorporated or hereafter to be incorporated shall have power to lay tracks or rails, or run cars through or over any street in the city of Hoboken, south of Eleventh street, other than where the railroad track now is laid, without permission of the said mayor and council of the city of Hoboken for that purpose first had and obtained, and then upon such terms and conditions as the said mayor and council may from time

Agreement ratified and confirmed.

Proviso.

Proviso. to time by ordinance prescribe; *and further provided*, that nothing in this act contained shall be construed to authorize the said company to lay their turnpike road or erect any turnpike gate upon any street of the said city of Hoboken, other than that on which the same now is laid.

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

Approved March 24, 1869.

CHAPTER CCXLVIII.

A Further Supplement to the act entitled "An Act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Proceedings in case of neglect to return tax warrant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been or shall hereafter be issued for the collection of taxes in any township of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the township committee of the said township, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned in like manner as is provided in the case of original warrants, and shall be directed and delivered to such constable of said county as the township committee may designate, or such special constable as may be appointed by the said committee for that purpose; and such constable or special constable so designated or appointed, after giving bond, with such security as the said committee may direct and approve of, shall, in the execution of said war-

rant, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the township collectors of the several townships in the execution of warrants for the collection of taxes.

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

Approved March 24, 1869.

CHAPTER CCXLIX.

A Supplement to "An Act to incorporate the Trenton and Ewing Turnpike Company," approved March seventeenth, eighteen hundred and sixty.

Extension of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said turnpike road be and hereby is extended from a point at or near the stone bridge on said turnpike road, distant about three hundred yards, westerly from the present toll house, through the lands of Horace N. Buttolph and others, along the north bank of the raceway of the Trenton Water Power Company and the old river road, to the bridge of the Yardleyville Delaware Bridge Company, and there to end.

Compensation to be made to land owners.

2. *And be it enacted*, That no part of said extension shall be constructed or opened until the said company shall have made compensation to the owners of the lands through which the said turnpike is hereby extended for the right of way.

Portion of river road vacated.

3. *And be it enacted*, That so much of the said river road as shall be used by the said company in extending their turnpike as aforesaid, be and hereby is vacated, for the uses and purposes of said turnpike company.

May increase capital stock.

4. *And be it enacted*, That the capital stock of said company be increased to the sum of twenty thousand dollars.

Width of road.

5. *And be it enacted*, That the said turnpike road, as extended, shall not be less than two rods wide.

Repealer.

6. *And be it enacted*, That so much of the act to which

this is a supplement, or of the supplements thereto, which conflict, or are inconsistent with this act, be and the same are hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCL.

An Act to establish a new township in the county of Essex, to be called the township of Woodside.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Belleville, in the county of Essex, lying south of Second river, and contained within the following bounds, that is to say: Beginning at the intersection of the centre of said Second river with the centre of the Passaic river; thence running southerly along the centre of said Passaic river the several courses thereof to the northerly line of the city of Newark; thence running westerly along said line to the centre of the Great Boiling Spring; thence running northerly along the easterly line of the township of Bloomfield to the centre of the road leading from the old Bloomfield road to J. Hunt Adams's Montgomery Print Works; thence running easterly in a straight line to the north side of the public road, near the residence of James Collins, and opposite the centre of the brook running from the Sun Fish Pond; and thence running easterly along the north side of the public road the several courses thereof to the Paterson and Newark railroad; thence southerly along said railroad to the middle of Second river; thence easterly along the middle of Second river to the place of beginning, be and the same is hereby set off into a new township to be called the township of Woodside.

Corporate name.

2. *And be it enacted*, That the inhabitants of the said township of Woodside 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 Woodside, in the county of Essex," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same general regulations, governments and liabilities as the inhabitants of the other townships in the county of Essex are now entitled or subject to by existing laws of this state, so far as the same are not repealed or modified by the provisions of this act.

Township committees shall meet and divide and allot moneys.

3. *And be it enacted*, That the township committees of Woodside and Belleville, or as many of them as will attend, shall meet at the public house kept by George W. Garrison, in the township of Belleville, on the first day of May next after the first election held in Woodside, at ten o'clock in the forenoon, and may adjourn to any other place and time or times and then proceed by writing to allot and divide between said townships all personal property and moneys on hand 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 each of the said townships shall be liable to pay their proportion of the debts, and to support the paupers whose settlements are or may be within the boundaries of their respective townships, and a decision of a majority of those present shall be final and conclusive.

Elections to be by ballot.

4. *And be it enacted*, That all elections held in said township of Woodside shall be by ballot, and the judges and clerks thereof shall be eligible to any office at said election.

Time of holding elections.

5. *And be it enacted*, That the inhabitants of said township shall hold their first election for township officers at Woodside hall, in said township, on the second Monday of April, anno domini eighteen hundred and sixty-nine, and annually thereafter upon the same day of the same month, at such place as the judges of election for said township shall determine upon.

Officers of first election.

6. *And be it enacted*, That Alfred Keene, Charles D. Morrison and Charles Akers, be and they are hereby appointed judges of the first election, to be held in said township, with power to appoint a clerk for said election, and in case of the neglect or inability of any of the above named persons to act, the vacancy or vacancies so caused may be filled in the manner prescribed in the twenty-seventh section of the "Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, and said judges and clerks are hereby in-

vested with all the authority, shall perform the same duties, receive the same fees, and be subject to the same penalties that other judges and clerks of election are or may be subject or entitled to.

Judges of election shall not be all of the same political party.

7. *And be it enacted*, That at the first election and at all subsequent elections for township officers in said township, there shall be elected three persons as judges of election, who shall not all belong to the same political party, and who shall constitute the board of election for said township, and shall preside at and conduct all elections in said township during their term of office, which shall be for one year, and until their successors are elected or appointed; no ballot for the election of said judges shall contain more than two names for said office, and in case any ballot contains more than two names therefor, said ballot shall be null and void so far as said judges are concerned, and the three persons receiving the highest number of votes shall be deemed and taken to be elected; *provided*, that in case of the neglect of the electors to elect any of said judges or of the refusal or inability of any person so elected to serve in said office, then the township committee may appoint some suitable person or persons to fill such vacancy or vacancies, having regard always to the political principles of the persons already elected, to the end that all of said judges do not belong to the same political party; *and provided further*, that in case of any vacancies in said board of election on the morning of any election, or during the day of any such election, such vacancy or vacancies may be filled in the manner prescribed in the twenty-seventh section of the "Act to regulate elections," and any township committee or majority thereof, who shall appoint any such judge in contravention to the true intent and meaning of this section, shall be adjudged to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars.

Proviso.

Proviso.

May issue bonds.

8. *And be it enacted*, That in addition to the powers now in them vested, the township committee of said township shall have power to issue township bonds, payable at any time not exceeding ten years from the date thereof, with interest, for the purpose of raising any sum or sums of money, voted or granted by the inhabitants of said township or of any road or school district therein, in manner and form and for any of the purposes mentioned in the eleventh section of the "Act to incorporate the inhabitants of townships," ap-

proved April fourteenth, eighteen hundred and forty-six; and the said bonds, when signed and sealed by a majority of said committee and attested by the clerk of the township, shall be valid and binding and effectual against said township, and a majority of said committee shall determine whether to raise the said sum or sums of money thus granted by issuing bonds or by taxation.

Taxes to be paid to the collector in money.

9. *And be it enacted*, That the opening, working and repairing of the public roads, streets, avenues and sidewalks in said township, shall be under the control, direction and supervision of the township committee of said township who shall designate and employ such and so many agents, and for such compensation as they shall deem expedient in the premises, and shall also have the control and disposal of all moneys raised in said township for said purposes, and to effect this all taxes levied for road purposes in said township shall be paid to the collector in money.

Public roads may be divided into districts.

10. *And be it enacted*, That the township committee of said township shall, as often as the interests of the township may require, divide the public roads of said township into convenient and suitable districts, cause the same to be numbered, and a description of the beginning and ending of each to be entered in a book to be kept for that purpose, wherein all matters concerning roads shall be recorded.

Proceedings for raising road tax.

11. *And be it enacted*, That the inhabitants of the road districts, as the same are arranged from time to time by the township committee, shall have power, and they are hereby authorized by and with the consent of two-thirds of the legal voters present at a meeting duly held for that purpose, to vote any sum of money not exceeding fifty per centum of the amount of general road tax raised in the township, as a special road tax in and for said road district, upon five days' notice of the time, place and object of said meeting being posted up in three of the most public places within said district, and when any money is so ordered by a two-third vote as herein required, the chairman and secretary of said meeting shall make out and certify in writing to the township committee a copy of the determination of said meeting, and the said committee may at their option issue township bonds for the amount so ordered, or order the same raised the current year by taxation; and in case bonds are issued for the money so ordered, the boundaries of said district shall not be changed until said bonds are all paid and cancelled; and the

said committee shall direct the assessor of the township to assess upon the inhabitants of such district, their estates and the taxable property therein, such sum of money as the state of the case demands, and the committee shall expend said special tax upon the roads in the district ordering the same and not elsewhere.

Duties of the township clerk.

12. *And be it enacted*, That the clerk of said township shall be clerk of the township committee and of the commissioners of appeal in cases of taxation, and shall keep a book of minutes of the proceedings of said committee and shall also attend the meetings of said commissioners of appeal and make a copy of their proceedings, to be verified by said commissioners as being true, and within two days after the final adjournment of said commissioners deliver the same to the township collector.

Duties of the assessor and collector.

13. *And be it enacted*, That the assessor and collector of said township shall on the demand of the township committee of said township, at any time after the twentieth day of December in each year, deliver to said committee their respective copies of the tax duplicate, the tax warrant or warrants and all other papers in their possession relative to the assessing and collecting of the taxes for the time being, and the same shall be filed with the township clerk for preservation.

Collection of unpaid taxes.

14. *And be it enacted*, That upon the delivery of the tax warrant or warrants to the committee as provided for in section thirteen, said committee may and they are hereby authorized to appoint some suitable person to collect any balance of taxes, with the costs and penalties thereon, still due on said warrant or warrants, and the person so appointed shall have all the power and authority to enforce the payment of the same, and shall be subject to the same penalties that the collector has or may be subject to in the premises.

Compensation

15. *And be it enacted*, That the assessors shall receive fifteen cents for each name upon his duplicate for assessing and levying the general taxes, and five cents additional for every name assessed, with a special tax subject to revision by the township committee, the collector shall receive one and one-half per centum on all taxes collected by him on said duplicate, and each commissioner of appeal, judge of election, and clerk of election, shall receive two dollars for each day's services in the discharge of their respective duties, and the township committee may allow such additional com-

pensation to any township officer for any extra or additional duties required of them by this or any other act, as they may deem reasonable and just.

16. *And be it enacted*, That the township of Woodside shall form part of the third assembly district of the county of Essex. To be part of third assembly district.

17. *And be it enacted*, That all acts and part of acts conflicting with the provisions of this act be and they are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 24, 1869.

CHAPTER CCLI.

A Further Supplement to an act entitled "An act relative to Juries and Verdicts," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right of each party in any civil suit to challenge, peremptorily, three jurors as their names are called, be and the same is hereby extended to trials in the courts for the trial of small causes and other actions before justices of the peace. Right to challenge jurors.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, are hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCLII.

A Supplement to the "Acts setting off the election districts of Franklin and Woodside, in the township of Belleville, in the county of Essex," approved April seventeenth, one thousand eight hundred and sixty-eight.

Judges of election, when to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of election of the districts of Franklin and Woodside, in the township of Belleville, shall be elected annually by the voters of their respective districts at the time other township officers are elected in said township, in the manner prescribed by the third section of the supplement to the "Act to regulate elections," approved April twenty-second, one thousand eight hundred and sixty-eight; said judges to be residents of the districts for which they are elected, to have the same authority, perform the same duties, receive the same compensation, and be subject to the same penalties that other judges of election have or may be entitled or subject to.

When present judges shall act.

2. *And be it enacted*, That, whereas the judges of election for the said districts of Franklin and Woodside were elected in November, one thousand eight hundred and sixty-eight, to serve for one year, therefore the persons who shall be elected as judges for said districts at the spring election of one thousand eight hundred and sixty-nine, shall not be empowered to act until after the election in November one thousand eight hundred and sixty-nine.

Clerk of election.

3. *And be it enacted*, That the township clerk shall be clerk of election in the district in which he resides, and the judges of election in the other districts shall appoint a clerk for each election held in their respective districts.

Statement of result of election.

4. *And be it enacted*, That the judges of election in said districts shall, at each election for township officers, cause a statement in writing to be made, of the result of said election in their respective districts, certify the same to be correct, and deliver the same to one of their number to be appointed for that purpose; and the judges to whom said statements are delivered shall meet at some convenient place in the Belleville district, at two o'clock in the afternoon of the

second day after said election, and if any judge is absent, or the statement from any of said districts is not completed, said judges may adjourn to any convenient hour on the day following, at which time the judges then present shall make a statement in writing of the result of said election in the township at large, certify and deliver the same (with the original statements of the district judges) to the clerk of the township; and he shall file the same with the township papers.

Duties of the clerk of township.

5. *And be it enacted*, That the clerk of the township shall attend the meeting of the judges mentioned in the preceding section and act as clerk thereof, (or in his absence such person as said judges may appoint,) and shall attest the statements there made, and upon the delivery of the same to him he shall post copies thereof, and notify the persons elected as by law now directed.

Duties of the district election clerk.

6. *And be it enacted*, That the election clerk of the district of Franklin and Woodside shall, within four days after any election, deliver to the clerk of the township the poll-book and ballots used in their respective districts; and said township clerk shall file the same with the township papers.

Repealer.

7. *And be it enacted*, That all acts conflicting with the provisions of this act be and are hereby repealed, and this act shall take effect immediately.

Approved March 24, 1869.

CHAPTER CCLIII.

Supplement to an act entitled "An act for the relief of School Districts Numbers Twelve, Thirteen, Seventeen and Eighteen, in the township of Morris, in the county of Morris," approved March sixteenth, eighteen hundred and fifty-four, and the several supplements thereto.

May purchase land and erect a public school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Morris school district be, and they are hereby authorized to purchase and hold, in their corporate name, a suitable lot of land, and

to erect thereon a building for the public school in said district, with the necessary fences, out-houses, and conveniences, and to provide said school with proper furniture, apparatus, and fixtures; and to pay the costs and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding twenty thousand dollars in the whole, and to issue bonds in the corporate name of said trustees for the payment of the moneys so borrowed, with interest, as hereinafter provided.

May borrow money and issue bonds.

Bonds, how issued.

2. *And be it enacted*, That the bonds to be issued as aforesaid, shall not exceed, in the aggregate, twenty thousand dollars of principal, and shall be of such denominations as the said trustees shall deem proper, but not exceeding two thousand dollars each, and shall bear interest at the rate of seven per centum per annum, payable yearly or half yearly, as the trustees shall determine; and the sum of two thousand dollars of the principal of said bonds shall be made payable in each and every year after the date or issue thereof; and the said bonds may be sold or disposed of by the said trustees at not less than their par value.

Power to raise money to pay bonds

3. *And be it enacted*, That to provide for the said yearly payment of two thousand dollars of principal of the said bonds, and of all interest accruing upon the same, it shall be the duty of the trustees of the said Morris school district to apportion the amount of money necessary to be raised for that purpose in each previous year, among those portions of the townships of Hanover and Morris, which are embraced within said district, in proportion to the estates and property of persons within said respective portions liable to be assessed and taxed for school purposes; and the said trustees shall notify, in writing, the assessor of each of said townships, before making his annual assessments, of the amount of money so apportioned to, and required to be assessed and raised in that year for the purposes of this act in that portion of said district within his township; and the same shall be assessed and levied, raised and collected, in each year in the said portions of said school district, by the assessors and collectors respectively, of the said townships embracing the same, and be paid over to the trustees of the said school district at the same time and in the same manner, and under the same liabilities, as the other moneys raised for said district are assessed, collected and paid, until all the bonds authorized by this act shall be fully paid and satisfied; and the moneys so

to be paid to said trustees shall be appropriated to the purposes authorized by this act and educational purposes; and the taxable property within the said school district, and of the inhabitants thereof, in the proportion aforesaid, shall be and remain liable to assessment and taxation from time to time, for the purposes and in the manner provided by this act, until all the bonds to be issued, by virtue thereof, shall have been fully paid and redeemed.

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

Approved March 2, 1869.

CHAPTER CCLIV.

An Act to incorporate the Deep Run Cranberry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Perrine, Henry L. Twiggs, Andrew J. Disbrow, John B. Herbert and William R. Dill, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Deep Run Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Middlesex, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings, and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same as a majority of the directors may direct, which shall be divided into shares of fifty dollars each,

and the said corporation may issue stock in payment therefor, and the subscriptions for stock shall be opened in the village of Old Bridge, Middlesex county, at such time as the directors may designate, under their direction, or that of such persons as a majority of them may select.

Powers and duties of the directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held the persons named in the first section of this act shall be directors.

Stock transferable.

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

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

Approved March 24, 1869.

CHAPTER CCLV.

An Act to incorporate the Locust Grove Cemetery Association of Quakertown, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sedgwick Little, Benjamin Egbert, William Large, Henry S. Trimmer, William Stryker, John R. Welsh, Joseph Everitt, Abraham Bennett, Elijah R. Hartpence, John B. Tomer, and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of "The Locust Grove Cemetery Association of Quakertown, New Jersey."

Name.

2. *And be it enacted*, That the said corporation shall be

composed of such persons who are or shall be owners of stock in the said company, and that the said association shall have power to purchase, take and hold in fee, a tract of land not exceeding ten acres, in the vicinity of the village of Quakertown, in the county of Hunterdon, for the use and purposes of a cemetery, and erect thereon such buildings and accommodations as the directors may deem suitable and necessary, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers thereof by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, and signed by the president and treasurer thereof, to be used only as a cemetery, with the privilege of the several avenue walks, passages, and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as may be established in relation thereto by any by-law of said corporation; transfers of sub-lots or rights thereunto may be made by the owner or owners thereof, by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

May acquire and hold land for cemetery.

3. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be residents of the said county of Hunterdon, and who shall be elected annually at such time and place as the by-laws may direct, upon notice given at least two weeks previous thereto, by advertisement in two newspapers published in the said county of Hunterdon, at which election each share of stock shall entitle the holder thereof to one vote, and the said directors shall elect from their own number a president, secretary and treasurer, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number, until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations and by-laws; and affix from time to time to the several lots or plats such price as they shall deem reasonable and proper; and shall have the sole charge, superintendence, and control of said cemetery; and until the first election of directors the said Sedgwick Little, Benjamin Egbert, William Large, Henry S. Trimmer, William Stryker, John R. Welsh, and Joseph Everitt, shall be the directors, and may act as such until

Directors, how elected, and their powers.

Not dissolved for failure to elect directors

others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by the directors; and the directors for the time being shall continue to hold their office until others are chosen.

Amount of capital stock.

4. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings, and other necessary accommodations, shall be the capital stock of said association, and shall be divided into shares of fifty dollars each; and that one thousand dollars of the net proceeds of sales of lots or plats shall be appropriated or funded for the further embellishment and maintaining the improvements, fences, &c., of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders, according to their several interests; and that the sum funded as aforesaid shall be free from all taxes or assessments, and no taxes shall be imposed on lot owners therefor.

Property free from tax or assessment.

5. *And be it enacted*, That the said corporation shall have, use, and exercise all the rights and privi'eges incident to a corporation herein stated, and shall be exempt from all taxes, assessments, and charges upon their capital stock, and the property which they may acquire, hold or possess; and the real estate of said corporation, and the lots or plats when conveyed by the said corporation to individual proprietors, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment, or applied to the payment of debts by assignment, under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

General provisions.

6. *And be it enacted*, That the provisions of the eighth section of the act entitled "An Act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same is hereby made part of this act.

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

Approved March 24, 1869.

CHAPTER CCLVI.

An Act to incorporate the Children's Aid Society of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin F. Dorrance, Horace Alling, Halstead C. Burnet, Oba Woodruff, Edward P. Brewster, James S. Higbie, Job Haines, Helen C. Burnet, Francis P. Rowland, Anna C. Rowland, Caroline Darcy, Caroline Wardell, Eliza Wilde and their associates, are hereby constituted a body corporate, by the name of the "Children's Aid Society of the City of Newark," to provide a lodging house, reading room, and other provision for the mental, moral and physical improvement of homeless children in said city.

Name and objects.

May hold real and personal estate.

2. *And be it enacted*, That the said corporation hereby created shall be capable of taking by purchase or devise, holding and conveying any estate, real or personal, for the uses of said corporation, provided that such property shall not be applied to any other purposes than those for which this corporation is created.

Directors to manage corporation.

3. *And be it enacted*, That the estate and concerns of said corporation shall be managed and conducted by a board of seven directors, who shall perform the duties required of them without compensation for their services, and shall be elected at an annual meeting of the members of said corporation.

May erect and maintain an asylum.

4. *And be it enacted*, That the corporation hereby created may, so soon as it may be practicable, procure suitable building sites and lands, and erect and maintain thereon an asylum for such children as, under the regulations to be adopted by the board of directors, and the laws of the state of New Jersey and city of Newark, as may be entrusted or committed to the care and management of said corporation; such asylum shall embrace buildings necessary for the comfortable accommodation of the children therein; for their instruction, moral, intellectual and industrial, and for their general treatment in such manner as may best promote their welfare and most fully accomplish the beneficent designs and objects of the said corporation; and until such building sites and lands shall be

procured, and the permanent building of the asylum thereon erected and completed for use the corporation may procure such accommodations as may be necessary for its purposes.

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

Approved March 24, 1869.

CHAPTER CCLVII.

An Act for the improvement of Bound Brook.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits in the town of Bound Brook, in the county of Somerset, for the purpose of this act shall be as follows: Beginning at a point where the Green brook enters the Raritan river; thence northwardly up said brook to a point five hundred feet northwardly of Union avenue; thence westwardly, parallel with Union avenue, to the Middle brook; thence following southwardly down said brook to the Raritan river; thence down the Raritan river to the place of beginning.

Board of commissioners to be elected.

2. *And be it enacted*, That the legal voters, who are also residents of and within the said town as above bounded and limited, shall make and hold an election in said town on the first Mondays of May hereafter, at which election there shall be chosen, by a plurality of the votes cast, five of the residents of said town as above bounded, who shall be denominated the board of commissioners of Bound Brook, (who shall serve for one year,) and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act.

General powers.

Elections, where and how held.

3. *And be it enacted*, That the first election of said commissioners shall be held at Union Hall, in said town, and subsequent elections shall be held at such place in said town as

by resolution of the board of commissioners for the time being shall be appointed, of which subsequent elections such board shall give ten days' notice by three or more written or printed notices, conspicuously posted within the said town, that said election shall be by ballot, and shall be opened at four o'clock in the afternoon, and closed at seven o'clock in the evening of the same day; that of the voters present at the opening of the polls, there shall be chosen of the electors then present, a judge and clerk of election, who shall conduct the same in the manner that township elections are conducted by ballot, which officers of election shall possess the same powers, and be subject to the same duties and restrictions as the officers of township elections are subject to; and that at the close of said polls, the said judge and clerk of election shall canvass the votes and publicly declare who have been chosen, and shall make out, under their hands, and deliver to the commissioners so chosen a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

Officers of the board of commissioners.

4. *And be it enacted*, That the commissioners so chosen shall, at one of the meetings of said board, as soon after their election as may be practicable, elect from their number a president, secretary and treasurer; that meetings of said board may be called by the president, or in his absence or disability by the treasurer, upon two weeks' notice by two or more printed or written notices put up in conspicuous places, which meetings so called may be publicly adjourned to another time and place, without further advertisement; that the treasurer shall give his bond to said board, with satisfactory sureties if required by said board in such amount as they may require for the faithful performance of his office, and shall render annually, and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the said board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Treasurer to give bonds.

Special powers of commissioners defined.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons thereon or adjoining thereto, and of the fire engines and ap-

paratus (for the suppression of fires) belonging to said town, and for this purpose may by resolution or ordinance, make all needful rules and regulations, touching and concerning the matters above mentioned; more particularly that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereof as they may deem advisable, to be graveled and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were opened and laid out by the surveyors of highways, or by any deed, donation or dedication by the original owner or owners thereof; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended, any culverts, sewers, drains or ditches, in or along any of said streets or roads, any one of which shall not cost more than fifty dollars, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience, and doing the least private injury possible.

Board shall receive no compensation, nor levy taxes or assessments.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services; that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, and that the taxes which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of said town and upon the real estate therein for roads or for the improvement or repairs of roads by the officers of the township of Bridgewater, shall not be applied to the roads without the boundaries of said town, but the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed thereon, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and collected; and it shall be the duty of the collector or collectors of said township to pay over the amount of road tax by him or by them received, which shall have been assessed and collected upon, and from the taxable inhabitants in said town, and upon all lands liable to be taxed therein to the treasurer of said commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall by some convenient mark in his duplicate,

Road tax to be paid to treasurer.

designate the road taxes of the taxable inhabitants of said town, and in case of any dispute respecting such designation, or of the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation of said township.

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

Approved March 24, 1869.

CHAPTER CCLVIII.

An Act to incorporate the Elizabeth and Staten Island Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel L. Moore, William J. Tenney, Joseph Alward, James C. Blake, James S. Green, John M. Cowell, Luther T. Hand and such other persons as may become associated with them by becoming stockholders as herein provided, and their successors, are hereby created a body corporate by the name of "The Elizabeth and Staten Island Ferry Company," for the purpose of establishing and maintaining a steamboat ferry company between the city of Elizabeth, in the county of Union, state of New Jersey, and Staten Island, in the state of New York, and they and their successors and assigns in their corporate name, shall be and are hereby empowered to have, purchase, receive, lease, hold and enjoy all such real and personal estate as may be necessary and useful for the purpose of said ferry; and the same to grant, demise, alien, pledge, convey and dispose of, and to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies for the purposes of this act; *provided*, that nothing in this act shall be construed as a grant to said company of lands lying under water belonging to the state.

Name and objects.

May hold real and personal estate.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the said Samuel L. Moore, William J. Tenney, Joseph Alward, James C. Blake, James

S. Green, John M. Cowell and Luther T. Hand, or a majority of them, shall be commissioners to receive subscriptions and distribute the capital stock in said company, who shall open a book or books for such subscriptions, at such time or times and place and places, as to them or a majority of them may seem proper.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed and directed by a president and four directors, being stockholders, a majority of whom, with the president, shall be citizens of this state, and resident in the city of Elizabeth, who shall hold their office for one year, and until others are elected in their stead; the president and first directors shall be elected at a meeting of the stockholders, to be called by the commissioners or a majority of them, on public notice of at least ten days before the time of such meeting, by advertisement in a newspaper published and circulating in the city of Elizabeth; and thereafter the president and directors shall be elected annually by the stockholders on like notice; every stockholder shall be entitled to a vote for each share of stock held by him, and may vote in person or by proxy.

Powers of directors.

4. *And be it enacted*, That the president and directors shall have power to make and establish such laws, rules and regulations for the management and disposition of the affairs and property of the company as may be deemed meet and necessary for the purposes of this act, not inconsistent with the laws and constitution of this state or of the United States, and the same to alter and repeal; they shall have power to appoint such officers and agents as they may think proper and to remove them at their pleasure, and also to fill any vacancy which may occur among the said president and directors by death, resignation or otherwise, and to have and to use a common seal and to alter and change the same at pleasure.

Amount of capital stock.

5. *And be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; that the sum of five dollars shall be paid on each share at the time of subscribing, and the remainder in monthly installments of five dollars until the whole be paid; and the said company may commence operations as soon as twenty thousand dollars is subscribed, and thereafter the said president and directors may receive subscriptions for such part of the balance of said

capital as they may deem necessary, and may ask and demand from the subscribers payment for the same in monthly installments as aforesaid upon the penalty of forfeiting the shares and all previous payments made thereon.

Stock transferable.

6. *And be it enacted*, That the capital stock of said company shall be deemed personal estate, and shall be transferred in such manner as the by-laws of the said company shall direct.

Failure to elect not to dissolve.

7. *And be it enacted*, That in case an election of president and directors shall not be made at the time when, pursuant to this act it ought to be made, the said company shall not in that case be deemed to be dissolved, but it shall be lawful to make such election at such time as may be provided by the by-laws of the company.

Annual statement required

8. *And be it enacted*, That the said president and directors shall at the annual meeting of the stockholders, make and exhibit a full and true account of the operations, and of the affairs of the company, and from time to time make a dividend of the profits arising therefrom.

Rates of toll.

9. *And be it enacted*, That said company shall be entitled to have and receive for transportation over said ferry the following and no greater rates:

For each passenger,	five cents;
For each one horse wagon and driver,	twenty-five cents;
For each two horse wagon and driver,	thirty cents;
For each man and horse,	ten cents;
For each horse or mule,	five cents;
For neat cattle,	five cents;
For sheep, lambs and swine,	five cents;
For all other kinds of merchandise,	fifty cents per hundred pounds.

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

Approved March 24, 1869.

CHAPTER CCLIX.

An Act to incorporate the National Tontine Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Pomeroy, Daniel C. Whitman, Amzi S. Dodd, James B. Pinneo, John G. Drew, Charles O. Bolles, William G. Lord, Jacob Skinkle, Silas Merchant, Caleb S. Titsworth, Charles Sears, Jeremiah Counsellor, Edward F. Baldwin, John Grant, John W. Taylor, Edward N. Fuller and others, their associates, successors and assigns, shall be and hereby are created and made a body corporate and politic, in fact and in name, by the name of

Name.

"The National Tontine Association," and by that name they shall and may have succession, and shall be and hereby are

May purchase and hold real estate.

empowered, to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; 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, to have and use a common seal, the same to change, alter and renew at pleasure; and the

Principal office, where located.

principal office of said association shall be in the city of Newark, in this state.

May receive subscriptions to a tontine fund, and proceedings thereon.

2. *And be it enacted*, That said association may establish and receive subscriptions to a tontine fund, or several such funds, to be paid over to surviving subscribers thereto or to named beneficiaries, in such amounts, at such time or times, on such terms and conditions, and according to such classification as may be agreed upon between the association and the subscribers to such fund or funds; and each subscriber to any such fund shall be a member of the association, and at the first election entitled to one vote for each one hundred dollars so subscribed by him or her, but thereafter to one vote for each one hundred dollars appearing to his or her credit on the books of the association; the corporators above named, or a majority of them, may appoint three commissioners to open books of subscription to such funds, and said

commissioners shall require at least ten per centum of the several amounts so subscribed to be paid at the time of subscription; but the particular fund or funds to the credit of which the several amounts so subscribed shall be passed, and the class or classes in which such subscribers or named beneficiaries shall be placed may be left to the option of the subscribers, to be by them severally determined as soon as the directors shall have arranged the terms and conditions of subscription to the several funds and the requisite classification; and when one hundred thousand dollars or more shall have been subscribed, the commissioners shall call a meeting of the subscribers, who may organize the first annual meeting of members, and proceed to elect from among themselves a board of directors, of not less than seven, and as many more as they may then resolve upon; and the persons receiving a majority of the votes cast shall be the directors for the ensuing year and until another election; and the commissioners shall surrender the books and pay over the moneys received by them for subscriptions to the board of directors, or to such officer as the board may designate.

Directors, and how elected.

3. *And be it enacted*, That the board of directors shall have the general care and management of the property, business and affairs of the association, and they, or a majority of them, shall, as soon as practicable, after their election, organize, and from themselves elect a president and also elect a treasurer, and from time to time to elect or appoint such other officers and agents as they may deem necessary for the proper conduct and management of the business of the association; and they, or a majority of them, may also make and ordain all necessary by-laws, rules and regulations for the conduct and management of the business of the association, the duties of the several officers, agents and employees of the association, the number of their own body necessary to constitute a quorum for the transaction of business, and for filling vacancies therein, the time and manner of calling the annual and other meetings of the members, the qualification of members, and mode of voting thereat, and such other rules and regulations as are necessary for the proper transaction of the business of such meetings and the business of the association, with power at any time to alter or amend the same, subject in every case to the provisions of this act, the laws and constitution of this state and of the United States.

General powers.

May deposit securities with state treasurer

4. *And be it enacted*, That the directors may at any time deposit with the treasurer of this state such an amount of securities as may be necessary to enable the association to transact its business in other states, and said treasurer shall receive and safely keep such securities until required by said directors to surrender the same, in whole or in part, but such securities shall not be reduced in amount and value below the sum of one hundred thousand dollars while the association is transacting business in any other state; and said treasurer shall, whenever so required, issue a certificate, under his official seal, setting forth the fact of such deposit, the amount thereof, and a general description of the securities.

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

Approved March 24, 1869.

CHAPTER CCLX.

An Act to incorporate the Home Mutual Fire Insurance Company of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of "The Home Mutual Fire Insurance Company," and by that name shall be known in law and have power to sue and be sued, and to defend and be defended, in all courts of law and equity, and by that name may 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 the same to grant, demise, alien and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at their pleasure.

Name.

May purchase and hold real estate.

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

company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars at any time during the continuance of this charter. Amount of capital stock.

3. *And be it enacted*, That John R. Weeks, Jeremiah O'Rourke, Patrick Sheridan, James Peck and John S. Parker be and the same are hereby appointed commissioners to open the books of subscription to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, by publication in a daily newspaper published in the city of Newark, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do. Commissioners to open books of subscription.

4. *And be it enacted*, That when the said capital stock of one hundred thousand dollars shall be subscribed, that then the subscribers to said capital stock (upon ten days' previous notice in a newspaper published in the city of Newark, given by the commissioners hereinbefore named,) shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president, and the appointment of such other officers as may be necessary to manage the business of the company, who shall hold their respective offices at the pleasure of the board of directors; and the whole of the said capital stock of one hundred thousand dollars shall be paid in within sixty days after the election of said board of directors as aforesaid. Election of directors.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such an amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days' previous notice in a daily newspaper published in the city of Newark, and the persons who shall then own the stock of said company shall have the privilege for five days of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others; and the terms of said subscription shall be fixed and determined by the said directors, and notice given as above directed, and the whole of said increased capital stock shall be paid in within sixty days after the closing of the books of subscription for said increased capital stock. May increase capital stock.

Affairs to be managed by directors.

6. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by twelve directors, seven of whom shall constitute a quorum to transact business, who shall respectively hold their offices until the next annual election, or until others are chosen, and shall at all times during their continuance in office be stockholders in the said company in their own right; the annual election for directors shall hereafter be held on the second Monday of January, in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in a daily newspaper published in the city of Newark, at least ten days previous to such election; and every such election shall be by ballot, and by a plurality of the stockholders, in person or by proxy; at their first meeting the said directors shall, by lot or otherwise, divide themselves into four classes, of three each; the term of the first class shall expire at the first annual election to be held in January, anno domini eighteen hundred and seventy; the term of the second class shall expire at the second annual election; the term of the third class shall expire at the third annual election, and the term of the fourth class shall expire at the fourth annual election, so that at each annual election three directors shall be elected, whose term of service shall be four years.

General powers.

7. *And be it enacted*, That the said directors shall have power to make and prescribe all such by-laws, rules and regulations as to them shall appear needful and proper for the management of the business and property of the said company, to fill any vacancy that may occur in their own body, at a meeting to be called as the by-laws may provide, and from time to time to appoint and change such officers as may be necessary to manage the business of the company, and to allow them, respectively, such compensation for their services as in their judgment may be reasonable.

Power to insure against damage by fire.

8. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings, and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance.

Policies of insurance, how issued.

9. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such

other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by a committee or otherwise, as provided by the by-laws, and the same shall be binding and obligatory on the said company.

Stock transferable.

10. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company.

Special powers.

11. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, mortgaged or pledged, to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the moneys so pledged or secured, either at law or equity; and also to purchase on sales made under judgment at law or done in equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock or funds, may purchase and hold any public stocks created by the incorporated cities, and the townships and counties of this state, or of the states of New York, Ohio, Pennsylvania, Massachusetts and Connecticut, and also the stocks or other securities created by said states or the United States, or may loan on bonds secured by mortgages on real estate within this state, worth double the amount of money loaned thereon, and not otherwise.

How capital stock and funds shall be invested.

Dividends.

12. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

13. *And be it enacted*, That all persons who shall insure

Insured may participate in profits.

with the said incorporation may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without participation in the profits of the company, if desired by the insured.

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

Approved March 24, 1869.

CHAPTER CCLXI.

A Supplement to an act entitled "An Act respecting Public Schools in the township of Salem, in the county of Salem."

Creating board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of public schools of the city of Salem, created by the provisions of an act entitled "An Act respecting Public Schools in the township of Salem, in the county of Salem," approved February twenty-eighth, eighteen hundred and forty-nine, be and the same is hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Board of Education of the City of Salem," and by that name they and their successors 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 any court of law or equity, and they and their successors may have a common seal and alter the same at their pleasure.

How actions for damages to school property shall be brought.

2. *And be it enacted*, That all actions or other proceedings brought or to be brought in any court of law or equity against any person or persons or body corporate for damages for or on account of any injury to any school house, out-

buildings or improvements thereto belonging, fences, trees, or to any school furniture or school books in any school house under the charge of the board of education, shall be in the name of "The Board of Education of the City of Salem," whether the legal title to such property be vested in said board or otherwise; and all damages which may be recovered in such action or proceedings shall be appropriated by said board to the support of the public schools in said city.

Meetings of board of education.

3. *And be it enacted*, That the said board of education shall hold an annual meeting in said city on the third Tuesday of March yearly and every year, and such adjourned and special meetings as they see proper, at such places and at such time as they themselves shall agree upon, and when met shall have power to make and adopt such rules, regulations and by-laws for their own government and the dispatch of business as they shall think proper, and in general to do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-law and no resolution ordering the raising or expenditure of money shall be passed, amended, revoked or repealed without the concurrence of at least two-thirds of the members of said board.

May adopt rules

Proviso.

Shall determine amount of money to be raised for school purposes.

4. *And be it enacted*, That the said board of education shall determine the amount of money to be raised each year for school purposes, not exceeding in any one year the sum of four dollars for each and every child in said city between the ages of five and eighteen (as ascertained by the last report of the city superintendent) in addition to the amount received from interest on surplus revenue and the state apportionment, and shall notify the mayor and common council of said city of the amount so to be raised for the support and maintenance of the public schools and repairing and erecting school houses in said city, who shall order and direct the assessor of said city to assess and raise such sum or sums of money at the time and in the manner that other city moneys are assessed and collected, and pay the same to the superintendent of the public schools of said city on warrants from time to time to be drawn by the president and secretary of the board of education.

May purchase and hold real estate for school purposes.

5. *And be it enacted*, That the said board are hereby authorized to purchase and hold, in the name of "The Board of Education of the City of Salem," suitable lots of ground in said city, or when owned by said city and appropriated for

that purpose, to erect thereon such buildings and improvements as shall be required for the use and proper management of the public schools of said city of Salem.

May elect and employ officers and teachers.

6. *And be it enacted*, That the said board of education shall have power from time to time to elect and employ teachers, to appoint a treasurer and such other officers and agents as they may deem necessary for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of the board of education and no longer.

Annual statement.

7. *And be it enacted*, That it shall be the duty of said board of education at least two weeks previous to the election for city and ward officers to make and present to the mayor and common council of said city of Salem such a statement of their proceedings, and of their receipts and expenditures, as is required by the second section of the act to which this is a supplement.

Repealer.

8. *And be it enacted*, That children between the ages of five and eighteen shall be admitted into the public schools of the said city; and all acts and parts of acts so far as they conflict with the provisions of this act be and they are hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCLXII.

A Further Supplement to the act entitled "An Act to incorporate the City of Millville."

Proceedings with regard to list of tax delinquents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the mayor or justice of the peace, to whom the lists of tax delinquents in said city shall be delivered by the collectors of the several wards, as provided in the twenty fourth

section of the act to which this is a supplement, to issue the warrant or warrants requiring the said taxes to be levied to any person or persons whom the common council of said city may appoint to execute the said warrants, and the person or persons so appointed as aforesaid to execute said warrants, shall be governed by the laws of this state regulating the execution of such warrants, and shall receive for such duties whatever sum the said common council and the person or persons executing the said warrants shall agree upon.

May sell real estate for non-payment of taxes.

2. *And be it enacted*, That it shall be lawful to sell any real estate situated in said city and owned by residents thereof for non-payment of taxes, and such sales, made according to the provisions of the act entitled "An Act to make taxes a lien on real estate and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four, shall be absolute, and the titles obtained in pursuance of such sales shall not be disturbed thereafter.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1869.

CHAPTER CCLXIII.

Supplement to an act entitled "An Act to consolidate the Robertsville and Patton's Corner Turnpike Company and the Manalapan Turnpike Company," approved March twenty-fourth, eighteen hundred and sixty-three.

Preamble.

WHEREAS, the Robertsville and Patton's Corner Turnpike Company, incorporated by an act of the legislature of this state on the twenty-seventh day of February, eighteen hundred and sixty-one, and the Manalapan Turnpike Company, incorporated by an act of the legislature of this state on the twenty-eighth day of February, eighteen hun-

dred and sixty-two, were consolidated by the act above stated, under the name of "The Manalapan and Patton's Corner Turnpike Company."

Rates of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Manalapan and Patton's Corner Turnpike Company to demand and receive toll for traveling each mile, and all fractions over a quarter of a mile of said road, not exceeding the following rates, to wit: for every carriage, sleigh or sled drawn by one beast, one and one-half cents; for every additional beast, one and one-half cents.

Repealer.

2. *And be it enacted*, That anything in the original acts, or in said act of consolidation, contained inconsistent with this supplement, be and the same is hereby repealed.

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

Approved March 24, 1869.

CHAPTER CCLXIV.

A Further Supplement to an act entitled "An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey."

May insure steam boilers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to insure steam boilers against loss by explosion, upon such rates and conditions as shall be contained and stated in the policy of insurance.

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

Approved March 25, 1869.

CHAPTER CCLXV.

An Act to incorporate the Village of South Orange, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of that portion of the township of South Orange, in the county of Essex, lying within the limits hereinafter set forth, are constituted and declared to be a body politic and corporate in law, and shall be known and styled as "The Village of South Orange." Name.

2. *And be it enacted*, That the territorial limits of the said village shall be as follows, to wit: Beginning at a point in the northwesterly line of Centre street where the same is intersected by the northerly boundary line of the township of South Orange, thence in a direct line to a point in the middle of South Orange avenue, one hundred feet southeast of the south corner of Seton Hall College Farm House; thence in a direct line to a point in the middle of Irvington avenue, one hundred feet southeast of the east corner of Mary Clark's dwelling house; thence in a direct line to the northeasterly corner of lands of Joseph W. Beach, in the northwesterly line of Prospect street; thence in a direct line to a point in the southwesterly line of lands of F. L. B. Mayhew, where the same is intersected by the brow of the mountain; thence along the brow of the mountain to the northerly boundary line of the township of South Orange; thence along the said boundary line to the place of beginning. Boundaries.

3. *And be it enacted*, That the legal voters residing in that portion of the township of South Orange included within the limits aforesaid, shall elect by ballot by a plurality of votes cast, on the fourteenth day following the ratification of this act, in the manner prescribed in the sixteenth section hereof, and annually on the second Monday of April each year thereafter, one president and six trustees, who shall constitute the board of trustees of said village; the said board shall meet as often as the business of the village may require; at such meetings the president of the village shall preside, and shall have a casting vote only in cases where there shall be a Board of trustees, how elected, and their powers.

tie; if the president be absent from any meeting of the board the trustees shall appoint one of their number to act pro tempore; four trustees shall constitute a quorum of the said board; said trustees shall appoint a village treasurer and village clerk, and a clerk and three inspectors of election, which inspectors shall not all belong to the same political party; the village treasurer shall give satisfactory bonds to the said trustees before any of the village funds shall be placed in his hands; said board shall have power to make and use a common seal, make and adopt by a majority of the whole number of trustees, such rules and by-laws for their own government as they shall think proper; and also to pass all such ordinances, by-laws and regulations as are warranted or provided for by this act; the said trustees may also appoint one or more constables, who shall have all such powers as are vested by law in constables of this state, and may appoint such other officers as their by-laws may require.

Trustees shall appoint other officers.

Trustees not to receive compensation and must take an oath.

4. *And be it enacted*, That the president and trustees shall not receive any compensation or emoluments for their services, directly or indirectly, and before the president or any trustee shall enter upon the duties of his office shall subscribe an oath or affirmation before some person authorized to administer the same, that he will execute the duties of his office to the best of his ability, which oath shall be filed in the village records, and in case a vacancy shall occur in the office of president or trustee by reason of refusal to serve, removal from the village limits, or any other cause, the trustees shall elect by a majority vote of the whole number of trustees some person to fill the said vacancy, and in case two or more vacancies in the office of president or trustees shall exist at the same time a special election shall be ordered by the trustees for the purpose of filling the same.

Election of trustees when held and how conducted.

5. *And be it enacted*, That the first election of village president and trustees under this act shall be held at such place in said village as the election officers herein named shall designate, and subsequent elections shall be held at such place in said village as the said board of trustees shall designate, of which subsequent election (annual or special) the said board shall give ten days previous notice by advertisements posted up at five of the most public places in the said village limits; that for the purpose of holding the first one of said elections, David C. Allen, Walter W. Cummings, and David B. Muchmore, shall be the judges, and Lewis P. Taylor,

clerk, and the said elections shall be conducted in the same manner that township elections in the township of South Orange are conducted and the election officers of said elections shall be qualified, and possess the same powers and be subject to the same duties and restrictions, except so far as by this act is otherwise directed as the like officers of said township possess and are subject to, and at the close of the first and every subsequent election held under this act, the judges of election shall canvass the votes cast and publicly declare who have been chosen, and the number of votes given for each and every candidate, and shall make out and sign a certificate of the result of such election, a copy of which certificate shall within five days after every such election, be filed and recorded in the minutes of the proceedings of the said board of trustees, and also be delivered by the clerk of election to the president and each of the trustees chosen at such election; at every such election the polls shall open at half-past seven o'clock a. m., and close at six and a half o'clock p. m.

Board of trustees to have control of roads and highways.

6. *And be it enacted*, That such portions of the public roads and highways in said township as are included within the village limits are hereby placed under the exclusive control of the said trustees, and neither the overseers of the highways, town committee or other person shall have authority to work or in anywise interfere with any of the roads or highways included within the corporate limits of said village without the written authority of the said trustees; and the said board of trustees are hereby invested with all the powers and privileges of overseers of the highway.

Board shall receive a portion of money raised in the township for road purposes.

7. *And be it enacted*, That the town committee of the township of South Orange, at their first meeting in each year after the election of village president and trustees, shall appropriate to the said board of trustees such part of the money, authorized to be raised in said township for road purposes, as shall bear to the whole amount, authorized to be raised for that purpose, the same proportions as the (known or estimated) amount of taxable property in said village bears to the whole amount of taxable property in said township, and the assessment roll of the previous year shall be the guide in making such distribution as far as possible; the said town committee shall hold the money so apportioned for the use of and shall pay the same to the village treasurer, upon the order of the president of the board of trustees, as soon as

the same has been collected, and it shall be the duty of the assessor of the said township to make up an accurate list of the taxable property within the limits of said village, upon which basis the road money shall be apportioned, and it shall be the duty of the said assessor, when directed by a majority of said trustees in writing, to assess such sums as they may require on the inhabitants of said village and their estates, agreeable to the law for the time being, for the raising of money by taxation, and return said assessment roll to the collector of taxes for said township who shall proceed to collect said village taxes in the same manner and at the same time as he shall collect township taxes, and both said assessor and collector shall be entitled to the same fees for their services as they are paid for like services by said township.

Board may grade and repair road, &c.

8. *And be it enacted*, That said trustees shall have power to grade, work and repair the public roads, highways, streets and avenues included within said limits and to construct and keep in repair such crosswalks as they shall think proper, and provide for keeping the said roads and walks free from obstructions, and generally to have the sole charge and superintendence of the streets, crossings and sidewalks of said village; whenever the said board of trustees shall decide to perform any work upon the streets or walks of said village, involving an expenditure of more than one hundred dollars, they shall procure specifications of such proposed work, which shall be opened to public inspection at reasonable times, and they shall cause a notice to be posted in three of the most public places in said village, requesting proposals to be made for doing said work, and specifying the time (which shall not be less than fifteen days) within which and the place at which said proposals shall be received, said proposals shall be opened at a meeting of said board of trustees held for that purpose, who shall award the said work to the lowest bidder therefor, who shall give satisfactory bonds for the performance of said work, and if no proposals should have been received for doing said work, that are satisfactory to the said trustees, the said board may proceed to have such work done in such manner as they shall deem best.

Proceedings when owners of property desire the sidewalks graded, &c.

9. *And be it enacted*, That whenever a petition in writing shall be presented to the said board of trustees, signed by the owners of one half of the lineal feet upon one side of any road, street or avenue in such village, or upon so much

of one side thereof as lies between two points named in the said petition, requesting to have so much of the sidewalk of said street as lies between said points named; and upon that side of the street named in such petition, graded, constructed or repaired, the said board of trustees may, at their discretion, proceed to grade, construct or repair the same, after having given thirty days' previous notice of such intention, by advertisements posted in three of the most public places in said village; and when the cost of said work has been ascertained by the said board, they shall assess said cost upon the owners of the lands in front of which such sidewalk shall have been laid, upon the same side of the street; *provided*, that in case any sidewalk shall have been previously, or within a satisfactory time, graded and constructed on any part of the ground embraced in the terms of the said petition, which shall accord with the proposed grade and be satisfactory to the said trustees, they may accept the same, and shall not make any assessment against the owners of the lands for the number of lineal feet thus laid, constructed, or repaired; *provided further*, that the said board of trustees may, at their discretion, make an allowance to any person in front of whose lands the said walk is to be constructed, for any expense said persons may have incurred for grading for, or in anticipation of such sidewalk, such sums as they may deem proper; the basis of assessment for the expense of said walk shall, in all cases, be the number of lineal feet owned by each person in front of whose land the said sidewalk shall be laid, upon the same side of the street, and between the points named as aforesaid; and all land owners between the points named in the petition, and upon the side of the road or street for which such sidewalk is requested, may be petitioners therefor, whether excepted from the assessment or not; the board of trustees shall deliver to the township collector a copy of the said assessment, when made, and the said collector shall include in the tax bills of persons against whom sums shall have been assessed, by virtue of this act, the respective sums so assessed against them, which are hereby made payable and collectable at the same time, and in the same manner, and by the same means as the township taxes; and said taxes, when collected, shall be paid to the village treasurer upon the order of the village president; and the total amount of assessments directed to be made by the said board of trustees upon the inhabitants of said village, in any

Proviso.

Proviso.

one year, in addition to any amount received from the town committee, as hereinbefore provided, and of any assessment that may be made for opening or laying any road by petition, as hereinafter provided for other purposes than for the improvement of sidewalks, shall not exceed the sum of five thousand dollars; the said board of trustees are hereby authorized to borrow, in any year, in anticipation of the tax of such year, such sum as they may require, at a rate not to exceed seven per centum per annum, and not to exceed the amount to be assessed for said year.

President vested with powers of justice of the peace.

10. *And be it enacted*, That the president of said village is hereby vested with all the powers of justices of the peace for the following purposes: to suppress vice, immorality, disorder, tumultuous assemblages, breaches of the peace and drunkenness, and to punish persons engaged therein, and the said board of trustees shall have power to make and enforce such ordinances as may seem necessary for such purposes, and to make and enforce such ordinances as may seem necessary to prevent the running at large of horses, cattle, sheep, swine, goats, geese, dogs or other animals, and to suppress nuisances, and to improve the sanitary condition of said village, and shall have power to punish such offences and enforce the laws and regulations of said village by a fine, not exceeding fifty dollars, which may be enforced by suit at law in any court of competent jurisdiction.

Trustees may grant licenses, &c.

11. *And be it enacted*, That the said board of trustees are hereby invested with the sole and exclusive right, privilege and power of granting licenses, under the seal of said village, for the sale of spirituous liquors within the said village, subject to the same provisions and in like manner as the same may be lawfully done by the courts of common pleas of this state; and also, to grant licenses, under the seal of said village, for the sale of malt or vinous liquors within the said village, and to license hacks, stages, public coaches, plays and exhibitions; and the said trustees may by ordinance attach fees for licenses, which shall be not less than one dollar nor more than thirty dollars for each license, except in the case of spirituous liquors which are above provided for, and such penalties for liquor selling, showing or exhibiting and driving public hacks, stages or coaches without a village license, as they shall deem proper and provide for collecting the same, and all money derived from said licenses or from fines and penalties shall go to the use of said village.

12. *And be it enacted*, That an annual meeting of the said board of trustees shall be held at such time, hour and place as the said trustees by five days' previous public notice shall designate; at such meeting the said trustees shall present a written report of the affairs of said village. Annual report

13. *And be it enacted*, That the president and trustees shall be elected for one year, but shall hold their offices until their successors are elected and a majority of them duly qualified to act, when the books and property of said village shall be handed over to the new board; the treasurer shall report monthly to the board of trustees and shall surrender everything pertaining to his office to his successor, when duly qualified to act, upon the written order of a majority of the board of trustees; any person residing in said village limits, eligible for the office of justice of the peace, shall be eligible for the office of village president or trustee; the board of trustees shall require of the village constables, and such other persons in the service of said board as they may direct, an oath of office and satisfactory bonds for the faithful performance of their duties, and the compensation of persons in the service of the village shall be arranged by the board of trustees. Terms of office

14. *And be it enacted*, That the president and trustees of said village shall have the sole and exclusive right to lay out, open, widen, straighten, construct or accept roads in said village, and they are hereby invested with all the rights and powers necessary to survey, lay out, open, widen, straighten, construct or accept the same, and whenever the owners of one-half of the land proposed to be taken for a public road shall petition the said trustees in writing to lay out the same, or alter, widen, straighten or relay any of the streets, roads or avenues in said village, it shall and may be lawful for the said trustees to locate, survey, lay out, and open or alter, widen or straighten the same, and to assess the damages and benefits sustained or accrued by reason of the same, which assessment shall be a lien upon the property on account of which such assessment shall be made, and shall be collected in the same manner as assessments for making sidewalks herein mentioned; and the said board of trustees shall within thirty days after such street shall be laid, file a copy of the map and survey of the same in the office of the clerk of the county of Essex, and in case any person or persons shall be dissatisfied with the assessment made by the said trustees, Powers of trustees in laying out roads.

they shall within ten days after receiving notice of said assessment, so notify the said president and trustees and the town committee of the township of South Orange, who shall meet together at the call of the said president within ten days after receiving such notice, and proceed to review the said assessment, and the decision of the said board of trustees and town committee, or a majority of both, shall be final and conclusive; *provided*, that where any one of the said committee, president or trustee shall be directly interested in the opening of the said road, they shall be disqualified from acting with said board of trustees or town committee, and the said assessments are hereby made payable to and by the said president and trustees.

Proviso.

Submitted for ratification.

15. *And be it enacted*, That this act of incorporation shall be submitted for ratification to the legal voters in that portion of the township of South Orange included within the limits prescribed, by the second section of this act, at a special election to be held for such purpose, on the first Tuesday of May, eighteen hundred and sixty-nine.

Special election.

16. *And be it enacted*, That the special election provided for in the preceding section, shall be held at such a place within the limits aforesaid, as may be designated by a majority of the judges of election named in the fifth section of this act, by public notice to be given in the manner proposed in said fifth section, and said judges and the clerk shall preside at said election; and the polls of said election shall be open from sunrise to sunset on said day; that the ballots upon said election shall be endorsed respectively, as follows: "For the act of incorporation," or "Against the act of incorporation;" and at the closing of the polls of said election, the judges shall immediately proceed to canvass the votes received and declare the result of the election; and if a majority of the votes shall be found to be in favor of the act of incorporation, then this act shall take effect at once.

Approved March 25, 1869.

CHAPTER CCLXVI.

An Act for the improvement of the Town of Freehold, in the County of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Freehold, in the county of Monmouth, for the purposes of this act shall be as follows: Beginning at the southwesterly edge of the new street recently opened by Henry Brinkerhoff, where it intersects with Main street, and running thence along the southwesterly edge of said new street to the middle of South street, and including the land three hundred feet deep on the southwesterly side of said new street from Main to South street; thence northerly along the middle of South street to the northerly edge of the road leading from South street by Benjamin Lefferson's house to Jerseyville; thence along the northerly edge of said Jerseyville road to the middle of Parker avenue, opened between lands of Joel Parker and the late Thomas C. Throckmorton; thence along the middle of Parker avenue to the middle of Institute street; thence in a northerly direction in a straight line to a point where the most easterly line of Hudson street intersects with Elm street as marked on the map of Freehold, made by Ezra A. Osborn and Thomas A. Hurley in eighteen hundred and fifty-five; thence along the most easterly edge of Hudson street, in a northeasterly direction, to Bennett street, as marked on the aforesaid map; thence in a straight line the same course as the most easterly line of Hudson street to the Freehold and Colt's Neck turnpike, and including the lands two hundred feet deep on the most easterly side of said line from Elm street to said turnpike; thence in a northerly direction in a straight line to the southeasterly corner of the land of William H. Conover, junior, on the Freehold and Keyport turnpike; thence northerly along said Conover's easterly line six hundred feet; thence in a straight line to the middle of Henry street where it is intersected by the middle of Brown street; thence in a westerly direction along the middle of Henry street to the middle of Court street; thence northwesterly along the middle of Court street to

Boundaries.

where the southeasterly edge of Haley street intersects with Court street; thence along the southeasterly edge of Haley street, in a westerly direction, to Throckmorton avenue; thence in a straight line, in a southwesterly direction, to the most easterly corner of Elisha Schanck's line; thence along Elisha Schanck's line, in a southwesterly direction, to Manalapan avenue, as marked on the aforesaid map of Freehold; thence in a straight line, in a southerly direction, to a point on the southerly edge of Main street, three hundred feet from the place of beginning; thence along the southerly edge of Main street to the place of beginning.

Election of board of commissioners.

2. *And be it enacted*, That it shall and may be lawful for such of the legal voters of the said township of Freehold, as may reside within the aforesaid limits, on the first Monday of May next, to assemble at the American hotel in the town of Freehold, on the said first Monday in May next, and then and there, by ballot and by a plurality of votes, elect a commissioner and four assistant commissioners, a town clerk and two inspectors of election; and as soon after said election, as the said commissioner and assistant commissioners shall be sworn into office, as hereinafter provided, they shall be denominated "The Board of Commissioners of the Town of Freehold," and by that name they and their successors forever hereafter shall and may have perpetual succession, shall be capable of suing and being sued in all the courts of this state, and by that name may make contracts and agreements, and make regulations and ordinances for the purpose of carrying out and effecting the objects and purposes of this act.

Election, its officers, and how conducted.

3. *And be it enacted*, That at the election hereinbefore mentioned, David C. Perrine, Holmes W. Murphy and John S. Denise, or such of them as may consent to act, or the survivors or survivor of them, shall act as inspectors, and Charles A. Bennet shall act as clerk; that at such election the polls shall be opened at one o'clock p. m., and close at four o'clock p. m.; that the persons elected shall hold their office for one year from the said first Monday of May next, and until their successors are elected and sworn into office; that on the first Monday of May yearly and every year thereafter, the legal voters aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of commissioners, who shall, by ordinance, prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *pro-*

vided, however, that said election shall be by ballot, and the polls at such election shall be open at least from one o'clock p. m. until four o'clock in the afternoon, of all which public notice shall be given by the said board of commissioners at least ten days before each election; *provided, also*, that in case of the death, absence or refusal to serve of the person herein named as clerk of said first election, a clerk shall be appointed by the inspectors or inspector, as the case may be, and in case of the death, resignation or refusal to serve of any persons elected from time to time, as town clerk or inspectors of election, or any disability preventing him or them, or either of them from serving, such town clerk or inspector shall and may be appointed by the board of commissioners, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act, except the first, the town clerk shall act as poll clerk. Proviso. Proviso.

Commissioners, &c., must take an oath.

4. *And be it enacted*, That the said board of commissioners, town clerk, and inspectors of election, who shall be elected as hereinbefore provided, shall, before entering on the duties of their respective offices, and within five days after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath, that they will faithfully discharge the duties of their respective offices, and in default thereof the election of the person or persons in default, shall be deemed void and of no effect; in case such default shall occur on the part of the commissioner or one or more of the assistant commissioners elected at the first election, a new election shall be held at such time as may be appointed by the said inspectors; and if at any subsequent election at such time as may be appointed by the commissioners for the time being, at least ten days public notice being given of such new election; if such default shall occur on the part of any person elected as town clerk, his default shall be considered as a refusal to serve, and the office shall be filled as hereinbefore provided.

Special powers of the commissioners.

5. *And be it enacted*, That within thirty days after said commissioner and assistant commissioners shall have been sworn into office as aforesaid, they shall meet in some suitable place and organize, and the said commissioner shall be chairman; and when so organized they shall have power to pass and enact such by-laws and ordinances, not repugnant

to the constitution or laws of this state, as they may consider proper, for altering, regulating and fixing the grade of the roads, streets and sidewalks, and lighting the same within the aforesaid limits, for keeping the same in repair, and for preventing or removing obstructions therein; for preventing and suppressing riots and disturbances of the peace; for suppressing vice and immorality, and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof; to revoke, alter and amend the same in their discretion, and to enforce obedience to the same by fines and imprisonments; *provided*, no fine shall exceed ten dollars for the first offence nor more than twenty dollars for each offence thereafter, and no imprisonment shall exceed thirty days for any offence; *provided also*, that no by-laws or ordinances affecting the rights or property of said inhabitants shall be valid or binding unless the same shall receive the votes of at least three of the said board of commissioners, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof, signed by the chairman of said board of commissioners and attested by the clerk, shall have been posted for at least twenty days in the room where the said board of commissioners shall usually assemble, and in at least three other public places in said town, and shall be published the same length of time in at least one of the newspapers of said town.

Proviso.

Proviso.

Commissioners shall appoint certain officers, &c.

6. *And be it enacted*, That the said board of commissioners shall appoint a town treasurer, a town marshal and one or more assistants, and a street superintendent whose duties shall be the same as the overseer of the roads, under the laws of this state, and who shall be under the direction and control of said board of commissioners, each of whom shall give security, in such sum as said board of commissioners may require, for the faithful discharge of the duties of their respective offices; shall hold their offices during the pleasure of the board and receive such compensation as may be allowed by the said board of commissioners.

Board shall appoint police justices.

7. *And be it enacted*, That two persons shall be appointed and commissioned by the said board of commissioners as police justices, who shall at the time of their appointment be acting justices of the peace, elected under the laws of this state, and shall hold their offices for the same term as justices of the peace, elected under the the laws of this state, and

shall have and exercise the same power and jurisdiction within said limits in criminal cases as justices of the peace now or hereafter may be authorized to exercise in this state; and shall be entitled to take fees as justices of the peace now are or hereafter may be entitled to for like services; the courts held by said justices shall be courts of record, and said justices shall have full power to cause to be kept all ordinances that may be made by said board of commissioners for the preservation of the public peace, and for the good government of said town; and all recognizances taken by or before said justices, or either of them, shall be by them forthwith sent to the court of general quarter sessions of the peace of said county.

Duties of the marshal and assistants.

8. *And be it enacted*, That it shall be the duty of the marshal and his assistants to preserve the peace and good order of the said town, and they are hereby empowered to arrest any person or persons offending against any of the ordinances of said board of commissioners, or behaving in a disorderly manner and disturbing the public peace and quiet, and forthwith bring such person or persons before either of the said police justices or any justice of the peace residing within the limits of said town, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice), and on conviction the said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of commissioners, and shall enforce the same by his warrant of commitment directed to the said marshal, or assistant marshal, commanding him to convey the offender to the common jail of the county of Monmouth, there to remain and be kept and dealt with as is provided for in said ordinance, and until the fine and costs are paid; and further, as regards criminal offences against the laws of this state committed within the limits of said town, the said marshal and his assistants are hereby empowered and required to discharge like duties as now are or hereafter may be required of constables under the laws of this state.

Jailor shall keep offenders

9. *And be it enacted*, That the jailor of the county of Monmouth, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the said county by the said justices for the term of his, her or their imprisonment, as expressed in the warrant of commit-

ment, and the expenses of keeping offenders so committed for transgression against such ordinances as may not be crimes or misdemeanors by the laws of this state, shall be borne and paid by the said board of commissioners of the town of Freehold, and in the case of offenders committed for crimes or misdemeanors the expenses shall be paid as in the case of other offenders in the county of Monmouth.

Actions, how brought for recovery of penalties.

10. *And be it enacted*, That all actions for the recovery of any penalties created or imposed by any ordinances passed by said board of commissioners, shall be brought and prosecuted in the name of "The Board of Commissioners of the Town of Freehold," or in the name of the treasurer of the town for the time being; and in such actions as well as in all complaints for the violation of any of said ordinances, the records of the board of commissioners shall be received as conclusive evidence of the passage of all ordinances recorded therein and signed by the chairman and clerk of said board, and the due publication of said ordinances in the manner hereinbefore required, shall in all cases be presumed to have been made unless the contrary is proved; no person shall be deemed incompetent as a witness or juror in any trial in which the board of commissioners of the town of Freehold or treasurer of the town is a party by reason of his being an inhabitant of or tax payer in said town.

Board may assess for cost of grading and paving sidewalks, &c.

11. *And be it enacted*, That the said board of commissioners as aforesaid, shall make an estimate of the probable cost of grading and paving the sidewalks where they cross other streets, and making such other crossings of streets as may be necessary, also the cost of lighting said streets or parts of said streets, as said commissioners shall deem proper, and other expenses incurred under this act, except the cost of paving in front of each owners' land, and shall assess the amount necessary for such purpose within the limits of said town, in the same manner in which assessors are now or hereafter may be authorized by law to assess for township and county taxes, and subject to the same appeal to the commissioners of appeal of the township of Freehold; and the amount so assessed shall be paid to said commissioners within sixty days after written demand thereof shall be made by said commissioners, and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of one of the police justices of the said town of Freehold, who shall issue a precept in the nature of

a tax warrant, directed to the marshal or one of the assistant marshals in the town, who shall proceed to collect the amount due from such delinquent, in the same manner as township and county taxes now are or hereafter may be authorized by law to be collected; *provided*, that before said warrant shall be issued, such police justice shall be satisfied by the oath of one of the said board of commissioners, that the amount claimed against such delinquent, is justly due and unpaid, and the same has been demanded as required by this act. Assessments how collected if unpaid. Proviso.

12. *And be it enacted*, That as soon as said assessment shall be made, the said commissioners shall cause the sidewalks where the same cross other street, and such other crossings as may be necessary to be graded and paved with suitable stone, and of such width as they may deem proper, shall procure all necessary material for the doing thereof, shall make all necessary drains and culverts, and other necessary passages for water; and shall also make the necessary arrangements for lighting said streets in the manner hereinafter provided, and the expenses thereof shall be paid by the treasurer of said town out of the moneys in his hands collected for that purpose, under the direction of said board of commissioners. Proceedings in grading and paving sidewalks, &c.

13. *And be it enacted*, That it shall be the duty of the said board of commissioners to cause the sidewalks on both sides of Main street, from the new street recently opened by Henry Brinkerhoff to Centre street, and on the south side of Main street from Centre street to Bennett street, and on the north side of Broadway from Brown street to the town line, and on the east side of South street, from Main street to Institute street, and on the west side of South street from Throckmorton avenue to Institute street, and on the westerly side of Throckmorton avenue from South street to Broad street, and on the northerly or northeasterly side of McLean avenue from Main street to South street, to be paved, and that each land owner on the streets thus designated, shall at his or her own cost pave not less than four feet wide, with a gradual slope toward the street, with good flagging, concrete pavement, or hard merchantable brick or plank, as said board of commissioners may approve, the sidewalks in front of his or her land on the street above designated, and shall conform to the grade established by said commissioners under whose direction the work shall be done. Duties of the commissioners in relation to paving sidewalks.

14. *And be it enacted*, That if any land owner shall neglect

Proceedings if land owner shall refuse to pave.

or refuse to pave the sidewalks of his or her lands aforesaid, within three months after he or she shall be notified by said commissioners to do so, the said commissioners shall proceed to have the same done, and they shall recover in the name of the treasurer or board of commissioners, the expenses thereof (which shall include the cost of material, carting and labor) from such land owner in an action of debt, before any court having cognizance thereof, and the declaration in any such action may be general, stating the demand is for so much money paid, laid out and expended, in paving the sidewalks in front of his or her land by virtue of this act, and that the special matters may be given in evidence under it.

Land owner must keep in repair.

15. *And be it enacted*, That after said sidewalks shall be graded and paved as aforesaid, each land owner shall thereafter keep the same in good and sufficient repair in front of his or her land, and in case of neglect or refusal said commissioner shall cause the same to be so kept and the expenses thereof shall be by them recovered against such land owner so refusing or neglecting in the manner provided in the next preceding section.

Land owner must keep his sidewalks clear.

16. *And be it enacted*, That each and every land owner in front of whose lands sidewalks shall have been or may hereafter be made in pursuance of this act, and every occupant of such lands shall at all seasons of the year, clear and remove from said sidewalks all snow, slush, ice or mud that may be thereon, and shall also at all times clear out and keep open for the free and easy passage of and flow of water the drains and gutters in front thereof; and if any such land owner or occupant shall neglect or refuse to do so for the space of six hours after being notified by the said commissioners, the said commissioners shall have the same done, and the expenses thereof may be recovered in the manner prescribed in the fourteenth section of this act.

Proceedings of land owners in relation to grading and paving sidewalks.

17. *And be it enacted*, That whenever the land owners on any street that is or may hereafter be opened, or on any parts of the streets mentioned in the thirteenth section of this act, within the limits described in the first section of this act, shall determine by a majority of votes of the land owners in said streets, or the unprovided part of the said streets mentioned in section thirteen of this act, (each land owner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least,) to grade and pave the sidewalks

on one or both sides of such street, any land owner on such street, or part of street, may call a meeting of land owners by giving a written notice put up in three public places in said town five days previous to said meeting, and designating the time and place of such meeting; and the said land owners when assembled shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally and count the votes, and their certificate of determination shall be evidence thereof, and such certificate of their determination shall be filed with the board of commissioners, and when so filed the said street, or parts of street, so designated shall thereafter be subject to the provisions of this act, and said board of commissioners shall proceed to have the sidewalks of such street, or parts of street, graded and paved (as is provided in the thirteenth section of this act.)

Duty of board as to lighting streets.

18. *And be it enacted*, That it shall be the duty of the said board of commissioners, within a reasonable time after said board is organized, to set up, establish and maintain lights in the streets designated in the thirteenth section of this act; and further, that it shall be their duty from time to time to set up, establish and maintain lights in such other streets, or parts of streets, that are or hereafter may be laid out within the aforesaid limits of said town whenever the land owners on said streets, or parts of streets, shall determine, in the manner provided in the next preceding section, to pave the sidewalks of the same; and for defraying the expenses of lighting said streets, keeping the streets and crossings in order, making new crossings, and for other expenses contemplated by this act, the said board of commissioners shall have power annually to assess and collect said expenses in the same manner as is hereinbefore provided in section eleven of this act for assessing and collecting moneys necessary for the purposes of this act.

Road taxes, when collected, to be paid over to treasurer of board.

19. *And be it enacted*, That the taxes which shall hereafter be assessed, levied and collected by the officers of the township of Freehold, within the limits of said town of Freehold for roads, or for the improvement or repairs of roads, shall not be applied to roads without the boundaries of said town, but that the assessor and collector of said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered

to be raised at the previous annual township election of the township of Freehold, in the same manner as the same have been heretofore assessed, levied and collected; and it shall be the duty of the collector or collectors of said township to pay over the amounts of the road tax by him or them received, which shall have been assessed and collected within the limits of said town of Freehold to the treasurer of the said board of commissioners, to be expended and applied under the direction of said commissioners in repairing and improving the streets of the aforesaid town of Freehold; and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes assessed within the limits of said town of Freehold; and in case of any dispute respecting such designation, or the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation for said township.

Repealer.

20. *And be it enacted*, That all acts relating to the election of overseers of the highways in the township of Freehold, so far as they relate to the parts of said township embraced within the aforesaid limits of the town of Freehold are hereby repealed.

Special election to authorize improvements.

21. *And be it enacted*, That it shall and may be lawful for the legal voters of said town, at their annual election for town officers, as hereinbefore provided, or at any special election appointed by the board of commissioners for that purpose, by notice in writing, set up in at least five public places in said town, for at least ten days before the day appointed for holding such special elections, to vote by ballot for such sum or sums of money for the then ensuing year as they may think necessary for any special purposes for the improvement of said town of Freehold, other than is hereinbefore provided for in this act; *provided*, that such sums in the aggregate shall not exceed in any one year fifteen cents on each hundred dollars of the valuation of the taxable property liable to assessment under this act, which sum or sums of money so voted shall be assessed and levied and collected under the direction of said board of commissioners, in the same way and manner as is hereinbefore provided for the collection of the moneys for street crossings, lighting streets, and so forth.

Proviso.

Commissioners not to receive compensation.

22. *And be it enacted*, That no compensation shall be paid to any of said commissioners; that no moneys shall be paid

by the treasurer of said board of commissioners for any purposes under this act, except upon resolution of the board, upon bills countersigned by the chairman; and that the town clerk of said town shall keep minutes of the proceedings of said board, and record the same in a book provided for that purpose.

Annual statement of receipts and expenditures to be printed.

23. *And be it enacted*, That said commissioners shall render full and detailed statements of all moneys collected and expended by virtue of the provisions of this act on the day of each annual election for officers under said act, and at the place of holding such election before said election takes place, and by publishing at least one week before said annual election a synopsis of said statements in two of the newspapers printed and published in said town of Freehold.

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

Approved March 25, 1869.

CHAPTER CCLXVII.

A Supplement to the act entitled "An Act to incorporate the Rochdale Railroad Company," approved March twenty-first, eighteen hundred and sixty-six.

Limitation of act authorizing railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the railroad authorized by the act to which this is a supplement, and by the supplement thereto, approved April sixth, eighteen hundred and sixty-six, shall not be commenced and completed within seven years from the fourth day of July next ensuing, that then, and in that case, the act to which this is a supplement shall be void.

Repealer.

2. *And be it enacted*, That the twentieth section of the act to which this is a supplement, be and the same is hereby repealed.

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

Approved March 25, 1869.

CHAPTER CCLXVIII.

An Act to incorporate the Toms River Water Power Company in the county of Ocean.

Preamble. WHEREAS, it is desirable to develop and improve the water power of Toms River, and by that means extend and increase manufacturing establishments in the county of Ocean, thereby promoting the public good; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amos P. Stanton, Clarence S. Brown, John Aumack, John Torrey, junior, George W. Cowperthwait, John S. Schultze, Thomas Hooper, William J. James, George M. Joy, Ralph B. Gowdy, William A. Low, John T. Chambers, John E. Chase, James J. Reynolds, Nathan S. Canfield, and such other persons as may hereafter be associated with them, shall be and are herby ordained, constituted and declared to be a body politic in fact and in

Name. name by the name of "The Toms River Water Power Company," and by that name they, their successors and assigns, shall and may have continual succession, shall and may sue and be sued, implead and be impleaded in all courts of justice, and shall have power to make and use a common seal; and they and their successors shall have power and authority

May purchase and hold real estate. to purchase or receive by gift, and to hold, enjoy or convey all such lands, mills, manufactories, water privileges, water rights, goods and chattels in the townships of Manchester and Dover, in the county of Ocean, as may be necessary or expedient for the objects contemplated by this act, and the same to demise, lease, grant or sell, under such rules and regulations as the said company may ordain.

Amount of capital stock 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with power to

increase the same to one million dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said company by their by-laws may direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, and as soon as fifty thousand dollars of the capital stock shall be subscribed in good faith, such commissioners, or a majority of them, shall give to said subscribers at least ten days' notice in the newspapers published in Ocean county, of the time and place of a meeting to choose nine directors or managers of said company, a majority of whom shall be residents of this state; and such election shall be held at the time and place so appointed, by such of the subscribers to said capital stock as may attend in person or by proxy, each share of said stock subscribed for, entitling the subscriber thereof to one vote; at such election the above mentioned commissioners shall act as inspectors thereof, and shall certify under their hands, the names of persons who may be elected, and shall thereupon deliver over to the persons so elected, the subscription books and such moneys as may have been received by them.

Directors, how elected.

Election of president.

4. *And be it enacted*, That the directors or managers chosen at such meeting, and at the annual elections of said corporation, shall as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected, and in case of death, removal, resignation or disqualification of any director, the vacancy may be filled for the remainder of the year by the said board of directors; the said board of directors shall also have power to appoint a treasurer, secretary, and such other officers as they may deem necessary for the carrying on the business of said company; which appointments shall be regulated by the by-laws of said corporation.

Not dissolved for failure to elect.

5. *And be it enacted*, That in case it shall happen that an election of directors or managers shall not take place at the time when by this act it should be held, the said company shall not for that cause be deemed dissolved, but such election shall be held at such other time as the directors for the time being shall appoint; and such directors for the time

being shall continue to hold their office until new ones shall be chosen in their place.

Non-payment of installments to work a forfeiture of stock.

6. *And be it enacted*, That annual elections for directors or managers shall be held at such times and places as the board of directors shall from time to time direct, of which elections public notice shall be given for at least two weeks in the newspapers published in said county of Ocean; five of said directors shall be a quorum to transact all business of said corporation, and they shall have power to call in capital stock of said company by such installments, and at such times as they may direct; and in case of non-payment of said installments, or any of them, to forfeit the share or shares on which such default shall arise, to and for the use of the corporation, and also to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper, touching the management of the stocks, property, estate and effects of said corporation.

May construct a dam and raceways.

7. *And be it enacted*, That it shall be lawful for the said company when duly organized, and after at least the sum of ten thousand dollars is paid in upon the capital stock, to construct a dam or dams across the north or main branch of the said Toms river, at such point or points as they may deem most expedient, to create ponds and reservoirs of water, and to construct raceways along the banks of said river, and in connection therewith to construct as many lateral or branch raceways, and such locks, weirs and other works from the main raceways to the channel of the said river as the company shall deem expedient for the purposes of creating a water power and using the same for manufacturing purposes; Proviso. *provided*, the said dam or dams, raceways and other works, shall be so located and constructed as not to interfere with any existing improvements in said river, and for the purpose of enabling said company to determine where said dams, raceways and other works can be located and constructed to the best advantage, it shall be lawful for the said company by its agents, engineers, officers or other persons in their employment, to enter upon all lands lying along said river, in the townships aforesaid, whether the same may be covered with water or not, for the purpose of exploring, surveying and locating said dams and raceways or other improvements, doing no unnecessary damage to private property; and when the location of said dams and main raceways shall be determined and a survey of the same deposited in the office of the

lerk of the county of Ocean, it shall be lawful for the said com-
any by any of its officers, agents, superintendents, engineers,
ontractors, workmen and other persons in their employ, to
nter upon, take possession of, have, hold, use and occupy any
uch lands, and to make excavations and embankments, and
ll other necessary works and structures which may be deemed
xpedient to carry into effect the purposes contemplated by
his act; *provided*, that where such lands are not purchased Proviso.
y or given to said company, payment or tender of payment
f all damages for the occupancy of said lands, to be deter-
nined as hereinafter provided, shall be made before the said
ompany shall enter upon or occupy said lands, except for
he purpose of surveying the same as hereinbefore mentioned.

8. *And be it enacted*, That if the said company or its offi- Proceedings when company and owners of land cannot agree.
ers or agents cannot agree with the owner or owners of such
equired lands or water right, for the use or purchase thereof,
r if by reason of the legal incapacity or the absence of such
wner or owners, no such agreement can be made, as partic-
lar description as the case will admit, of the land or water, or
ther rights so required for the use of the said company, shall
e given in writing, under the oath or affirmation of some engi-
neer or proper agent of said company, and also the name or
ames of the occupants or owner, if known, to one of the
ustices of the supreme court, who shall require the said
ompany to give notice of said application to the persons in-
erested, if known and in this state, or if unknown or out of
his state, to make publication as he shall direct for any term
ot less than ten days, and the said justice shall appoint a
ime and place for the appointment of three disinterested
ommissioners to view said lands; and at the time and
lace appointed, upon satisfactory evidence of the service or
ublication of said notice, the said justice shall appoint three
lisinterested commissioners to appraise the value of said lands
nd water rights, and the damages which may be sustained
y the owner by the taking of the same by said company;
nd the said commissioners having first taken an oath, in
writing, faithfully and impartially to execute the duties of said
ppointment, shall, after giving five days' notice to both par-
ies where said parties reside in this state, view the premises
nd hear the parties and their evidence, if so desired, and
hereupon make such appraisement of the value of said lands
r water rights, and of the damages sustained by the owner,
s to them shall appear just and proper, and shall transmit

such appraisement and award in writing, under their hand to the justice who appointed them, to be by him returned an filed in the office of the clerk of said county of Ocean, t gether with all the papers before him relating thereto, ther to be kept as a public record; and if either party shall fe

Parties aggrieved may appeal.

aggrieved by the said appraisement and award of the sai commissioners, the party so aggrieved may appeal to the ci cuit court of said county of Ocean at the next term after sai appraisement and award shall be returned as filed as afor said, by a proceeding in the form of a petition to said court and the party appealing shall give to the opposite party fiv days' notice in writing of said appeal, and the filing of suc petition in said circuit court shall vest in said court fu power to hear and adjudge the same, and if required by eithe party the said court shall award a venire for a jury, who sha hear and finally determine said appeal; the said jury sha assess the value of the land or water rights taken by sai company, and all damages sustained, or that may be sustaine by the owner; and if said jury shall find a greater sum tha was awarded by the commissioners, judgment shall be give therefor against the company, with costs, and execution ma be issued thereon, but if the said jury shall be demanded b the owner, and shall find the said sum or a less sum than th commissioners awarded, the costs shall be paid by the owne or owners, and shall be deducted out of the sum so found b the jury or considered a payment thereon, or an executio may issue therefor by the order of the court; and on pay ment or tender of payment of the sum so awarded by the com missioners or found by the said jury, with costs, where cost are adjudged, the said company shall be deemed to be seize in fee simple of all such lands and real estate and water right

Proviso.

appraised as aforesaid; *provided*, that the said company ma take possession of said lands and water rights, and use th same for the purposes contemplated by this act, at any tim after the appraisement and award of said commissioners, an notwithstanding any appeal therefrom, having first tendere to the owner or owners the amount of said award; or in cas of refusal to receive the same, or in case of any disability o the part of the owner, or in his absence from the state, having paid the same into the circuit court of said county, for the us of such owner or owners.

Repealer.

9. *And be it enacted*, That all acts and parts of acts incon sistent with this act are hereby repealed.

10. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately.

Approved March 25, 1869.

CHAPTER CCLXIX.

An Act to incorporate the Guttenberg Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. Brown, Charles H. Minck, Otto Kohler, John Dwyer, George Doremus, Augustus O. Evans, Peter Brunjes, John Taylor, William Taylor, William B. Rankin, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The Guttenberg Ferry Company," for the purpose of establishing a ferry between some suitable point or points in the city of New York and the town of Guttenberg, in the county of Hudson, with power to build boats, wharves, piers, bulkheads, and all other improvements necessary to carry out the objects of this corporation, with the privilege of asking and receiving such reasonable rates of toll as by the by-laws of said company may be established, such tolls not to exceed the rates now taken at the Hoboken ferry, and also to lease, purchase and hold such real and personal estate as may be necessary for the purposes of said corporation, and to sell, lease, allot and parcel the same or any part thereof, in such manner as the said corporation may determine, together with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An Act concerning corporations," approved April fourteenth, anno domini eighteen hundred and forty-six. Corporators. Name and object.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, divided into shares of fifty dollars each, and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates of shares in full or in part Amount of capital stock.

payment for the real or personal estate that may be purchased or leased, and by the by-laws to compel payments of installments not exceeding five dollars on each share at any one time, not deemed or declared full stock, and on failure to pay any installment, to forfeit the stock and all previous payments made thereon, giving at least sixty days notice of such call and demand in two of the newspapers published in the county of Hudson, and one in the city of New York.

Stock may be forfeited on failure to pay installments.

May establish a ferry, &c.

3. *And be it enacted*, That it may be lawful for said corporation to establish a ferry from the town of Guttenburg, in the county of Hudson, or its immediate vicinity, to the city of New York; to construct piers, wharves, bulkheads or such other improvements as may be made thereon by said corporation; to erect ferry houses and other buildings, and to keep up and maintain the same upon the lands now covered by water, in front of the lands owned by the said incorporators; *provided*, the same shall not obstruct the navigation of the Hudson river, nor in any way impair the rights of the state to such lands under water.

Proviso.

Books of subscription to be opened.

4. *And be it enacted*, That John L. Brown, John Taylor, Charles H. Minck, Otto Kohler, John Dwyer, William B. Rankin, Augustus O. Evans, Peter Brunjes and William Taylor, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday in May, anno domini eighteen hundred and sixty-nine, or until others are elected or appointed in their stead; and the above named persons are hereby authorized to open books of subscription to the capital stock of said company at such time and place as they may think proper, by giving at least two weeks notice thereof, in two newspapers published in the county of Hudson, and one newspaper published in the city of New York, and when fifty thousand dollars shall have been subscribed, it shall and may be lawful for said company to commence their operations as authorized by this act.

Officers.

5. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by nine directors, being shareholders, a majority of whom, together with the secretary, shall be residents of this state; and the secretary shall keep an office in the county of Hudson; the president shall be appointed from the directors, and the directors shall have power to make all needful by-laws not inconsistent with the laws of this state or the United States.

6. *And be it enacted*, That the annual election for direct-

ors shall take place on the first Tuesday in May, eighteen hundred and sixty-nine, at some convenient place in the county of Hudson, between the hours of twelve o'clock at noon and four o'clock in the afternoon of that day, all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be by person or proxy; two weeks previous notice shall be given in two newspapers published in the county of Hudson, and if from any cause an election for directors of said company shall not take place at the appointed time it shall not therefor work a forfeiture of the charter, but a new election shall be ordered in conformity to the by-laws of said corporation. Election of directors annually. Failure to elect not to work a forfeiture.

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors of said company for that purpose, which said book or books shall be closed for the purpose of transfer of said stock, fifteen days before each election for directors, and no person shall be allowed to vote upon any stock unless the same has been transferred to him or her, and registered in the said transfer books, more than fifteen days prior to the election at which he or she may claim to vote, and all the books of said corporation shall be open to the inspection of the stockholders except the said transfer books. Stock, how transferred.

8. *And be it enacted*, That it shall not be lawful at any time hereafter for any owner, captain or other person having control of any steamboat or other boat, or vessel, to touch or to land at said docks, wharves, piers, or bulkheads of said corporation, or to receive or to land or discharge any passengers or freight at said docks, wharves, piers or bulkheads, or such other improvements as may be made thereon by said corporation, unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from said corporation. Steamboat or vessel cannot touch at dock without consent.

9. *And be it enacted*, That this act shall continue in force for thirty years, and that unless said company within five years from the passage of this act shall have established a ferry and have the same in operation so as to accommodate the inhabitants, this act shall be void. Limitation.

Approved March 25, 1869.

CHAPTER CCLXX.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Proceedings when lands of infant, married woman, &c., are taken and condemned under charter of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the lands of any infant, married woman, or person under legal incapacity to contract, shall be taken and condemned under the provisions of the act to which this is a supplement, or the various supplements thereto, it shall be lawful for the court of chancery, or for the orphans' court of the county of Essex, on petition filed, to appoint a suitable person as guardian of such owner, and to take bonds from such guardian, in the name of the chancellor of New Jersey, in a reasonable sum, with sufficient security to be approved by said court, for the faithful performance of the trust reposed in such guardian; and the said court may thereupon order such guardian to receive the award for such lands, and to execute the same receipts, releases and acquittances in the name of such owner, as could be done by such owner if legally competent to contract; and the said court may, from time to time, make orders for the application, disposition and investment of the proceeds of the said lands so taken, according to the rights of the parties, and to the manner in which the estate in said lands would have vested, if not taken as aforesaid; and whenever the person entitled to any award shall have died, or may hereafter die, and the orphans' court shall make an order for the sale of lands of such decedent, for the payment of the debts of his or her estate, it shall be lawful for the executor or administrator of such decedent to receive such award, and to execute the same receipts, releases and acquittances for such award made as aforesaid, as would be done by such decedent if living, and the proceeds of such award shall be applied in the same manner as proceeds arising from the sale of land for the payment of debts under the order aforesaid.

Proceedings on death of person entitled to award.

Proceedings when assessments are set aside.

2. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari is or may be brought, any assessment of benefits made by commissioners or by the city

surveyor under the provisions of the act to which this is a supplement, and the various supplements thereto, is set aside or reversed for irregularity or informality, either in whole or in part, it shall be lawful for the said common council, if they deem best, forthwith to cause a new assessment to be made of so much of the amount of the original assessment as may be so as aforesaid set aside, or of the amount thereof still remaining unpaid; said assessment to be made, and become a lien, and be proceeded on in all respects in conformity with law, and the charter of said city.

Damages, how awarded, for changing grade.

3. *And be it enacted*, That the first section of the supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," which said supplement was approved March twenty-first, eighteen hundred and sixty-six, and also the first section of the like supplement, approved April sixth, eighteen hundred and sixty-eight, shall be construed so that the damages to be awarded for changing any grade in said city shall be measured according to the general law of the state, and shall not be awarded to any owner of lands affected by the alteration of any grade, except in cases where a house or other building was erected upon the lands in question at the time of such alteration; and when damages are awarded they shall be those which such owner of said house or building has suffered or shall suffer by reason of such alteration.

Unpaid taxes, how raised.

4. *And be it enacted*, That the common council of the city of Newark may raise and include in the tax ordinance of each year the amount of unpaid taxes for the second year preceding the year in which the taxes are levied, excepting from said amount so much as was assessed on real estate in said city; *provided always*, that the tax or taxes hereafter raised shall not exceed, for city purposes, one hundred cents on every one hundred dollars of the valuation of the assessed property in said city, as ascertained by the returns of the board of assessment and revision of taxes of the previous year.

Proviso.

Warrants issued for unpaid taxes, and proceedings thereon.

5. *And be it enacted*, That whenever any taxes on real or personal estate, or otherwise against the owner or owners of any real estate, remain unpaid on the twentieth day of January in any year, the receiver of taxes of the city of Newark shall cause a warrant to be issued in a book or books, specifying the ward in which the delinquency occurs, and separately from the warrants issued to the several deputy collectors of arrears for the ordinary personal taxes; and the said receiver

of taxes, as collector of arrears, shall collect all such taxes, which shall be payable at his office, and pay over to the city treasurer for the use of the city all moneys so collected, together with all fees, percentages and interest now imposed by law; and the said receiver, as collector of arrears, shall make a final return and statement of said taxes, in form and manner now prescribed by law, on the first Tuesday of August in each year; and any law or custom hitherto existing in said city, inconsistent with the above is hereby modified and repealed.

6. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately.

Approved March 25, 1869.

CHAPTER CCLXXI.

A Supplement to the act entitled "An Act in relation to all companies transacting the business of life insurance within this State," approved March tenth, eighteen hundred and fifty-two.

Life insurance companies of other states may purchase, hold and convey real es tate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any life insurance company, organized under the laws of other states, or of the United States, and transacting the business of life insurance in this state, shall be permitted to purchase, hold and convey real estate situate in this state, for the purposes and in the manner herein set forth, to wit: 1, such as shall be requisite for its immediate accommodation in the transaction of its business; or 2, such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or 3, such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or 4, such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any such company to purchase, hold or convey

real estate in this state, in any other case or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the chancellor that the interests of the company will suffer materially by a forced sale of such real estate; in which event the time for the sale may be extended for such period as the chancellor shall direct in such certificate.

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

Approved March 25, 1869.

CHAPTER CCLXXII.

An Act to provide for the improvement of Main Street, in the township of East Orange, and County of Essex.

Township committee authorized to curb, gutter and pave streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of East Orange, be and they are hereby authorized and empowered to grade the public road known as Main street in said township, to put down curb and gutter stones thereon, to pave or macadamize the road bed thereof, and to provide for the payment of the cost of such improvements in the manner hereinafter provided.

May provide for its improvement by sections.

2. *And be it enacted*, That the township committee may divide said Main street into sections of such length as may seem to them convenient, and may cause said street to be graded and otherwise improved as contemplated in this act, by sections; and may, if they deem it advisable, cause one or more of such sections to be improved in each year, until the whole be completed; before proceeding to the improve-

ment of any section, the committee shall give at least ten days' notice of their intention so to do, by advertisement in one or more newspapers circulating in said township, setting forth a time and place at which they will meet to hear any objections that may be made to such intended inprovement.

May, for this purpose, use money raised for road purposes.

3. *And be it enacted*, That the township committee may appropriate and use for the payment of the cost and expense of grading and macadamizing or paving the road bed, from gutter to gutter, so much of the money raised by taxation annually in the township for road purposes as may seem to them judicious; and may also by warrant signed by said committee, or a majority thereof, direct the assessor of said township to assess an additional amount, not exceeding in any one year the sum of ten thousand dollars, and the said assessor is hereby authorized and required to add to the sum voted by the annual meeting for road purposes, the sum named in such warrant, and to assess the same; and the assessment so made shall be as valid and effectual in all respects as if the sum to be raised thereby had all been voted at the annual meeting of the inhabitants of said township; and the additional sum so raised shall be used by said committee in the improvement of the said Main street as herein contemplated.

Cost charged on owners of real estate

4. *And be it enacted*, That the entire cost and expense of grading the sidewalks and of setting curb and gutter stones, shall be charged upon the owners of any land and real estate along the line of said Main street; the township committee shall ascertain the number of lineal feet owned by each person along the lines of said Main street, and shall also ascertain the entire cost of grading the sidewalks and of setting the curb and gutter stones in any section or sections that may be so improved in any given year; they shall then apportion the said entire cost and expense among all the owners of land and real estate along the lines of said Main street, according to the number of lineal feet owned by them respectively, and shall deliver a copy of said apportionment, in writing, to the township assessor for the same year; and it is hereby made the duty of said assessor to enter the same upon his book of assessment against the names of the persons among whom such apportionment is made; and the amounts so entered shall be deemed and taken to be in all respects a valid assessment, and are hereby made payable and collectable at the same time and in the same manner

as the county and township taxes, and shall be a lien upon real estate in the same manner.

Lines of streets to be adhered to.

5. *And be it enacted*, That in the working and improvement of said Main street, the township committee shall adhere to the lines of the same, as ascertained by commissioners appointed for that purpose; and the centre line of said street shall be the line designated and marked by monument stones set up by said commissioners in the angles thereof and delineated and described in the report and map made by said commissioners and now on file in the office of the clerk of said township.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed so far as the same affect the said Main street.

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

Approved March 25, 1869.

CHAPTER CCLXXIII.

An Act to incorporate the Citizens Mutual Fire, Marine and Steam Boiler Insurance Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry H. Jaques, Hiram M. Rhodes, Jeremiah Counsellor, Charles M. Bolen, Smith C. Ward, Peter T. Doremus, John A. Boppe, William A. Randall, William Allen, Alexander Grant, junior, William Shove, Luther J. Lyon, Eli H. Reynolds, J. B. I. Robinson, James Smith, M. H. C. Vail, George W. Frey and John Morrison, with such other persons as shall be hereafter associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Citizens Mutual, Fire, Marine and Steam Boiler Insurance Company," and by that name shall be known in law, and have power to sue and be sued,

Name.

and to defend and be defended, in all courts of law or equity, and by that name may have, and purchase, 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 the same to grant, demise alien and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars at any time during the continuance of this charter.

Directors and other officers.

3. *And be it enacted*, That when the said capital stock of fifty thousand dollars shall be subscribed, and ten thousand dollars paid in, that then the subscribers to said capital stock upon five days previous notice in a newspaper published in the city of Newark, given by the commissioners hereinafter named, shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president, a treasurer and secretary, and the appointment of such other officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person, and to allow them such compensation respectively for their services as in their judgment may be reasonable.

Commissioners to receive subscriptions to capital stock.

4. *And be it enacted*, That M. H. C. Vail, H. M. Rhodes and H. H. Jaques, be and are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that five days previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, and that said books of subscription may be kept open as long as it shall seem best by said commissioners, or a majority of them so to do.

May increase capital stock.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days previous notice in a newspaper published in the city of Newark, and the persons who shall own the stock of said company shall have the privilege of subscribing for said increased stock for

five days, and after that time if not subscribed for by the said stockholders, it may be subscribed for by others, and the terms of said subscription shall be fixed and determined by the said directors and notice given as above directed.

Election of directors.

6. *And be it enacted*, That the stock, property and affairs of said company shall be managed and controlled by thirty directors, seven of whom shall constitute a quorum to transact business, who may hold their office for one year, or until others may be chosen, and shall at all times during their continuance in office be stockholders in the said company in their own right; and the said directors shall hereafter be elected on the first Tuesday of February in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the city of Newark, at least ten days previous to such election; and every such election shall be by ballot, and by a plurality of the stockholders, in person or by proxy.

May insure against loss and damage by fire. also ships and steam boilers.

7. *And be it enacted*, That it shall and may be lawful for said company to insure houses and other buildings, and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance, and may also insure ships and other vessels, rights, interests and property against every description of casualty incident to inland and marine transportation, and may also insure steam boilers against explosion and all damage caused thereby.

Policies of insurance.

8. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by a committee or otherwise, and the same shall be binding and obligatory on the said company.

Stock transferable.

9. *And be it enacted*, That the stock of said company

shall be deemed personal property, and as such assigned and transferred on the books of the company.

May purchase and hold real estate.

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, mortgaged or pledged or secured, either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds or moneys, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state, or of the United States, or of the states of New York, Ohio, Pennsylvania, Massachusetts or Connecticut, and also the stocks or other securities created by said states or the United States, or in bonds secured by mortgages on unincumbered real estate within this state, worth double the amount of money invested or loaned.

Stocks in which money may be invested.

Dividends.

11. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of said company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

Persons insured may participate in profits.

12. *And be it enacted*, That all persons who shall insure with the said corporation may participate in the profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company, if desired by the insured.

Limitation.

13. *And be it enacted*, That this act shall be and remain in force thirty years, and shall take effect immediately.

Approved March 25, 1869.

CHAPTER CCLXXIV.

An Act to facilitate Judicial Proceedings in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace in and for the county of Monmouth, shall hereafter consist of four judges, in addition to the justice of the supreme court holding the circuit in said county, one of which judges shall be a counsellor-at-law. Additional judge of common pleas created.

2. *And be it enacted*, That whenever the justice of the supreme court holding said circuit shall be absent, such additional judge shall be president of the court of common pleas, quarter sessions and orphans' court. Presiding judge.

3. *And be it enacted*, That the said courts may hold adjourned and special terms of said courts, or either of them, under the same regulations already provided by statute in case of the circuit, court of oyer and terminer and general jail delivery. Common pleas and quarter sessions may hold special terms.

4. *And be it enacted*, That whenever any person or persons shall be charged upon oath before any justice of the peace or police justice, in the county of Monmouth, with any offence now triable at law before the quarter sessions of the peace, and such person shall in writing signed by him or her, addressed to the prosecutor of the pleas of said county, waive an indictment and trial by jury and request to be tried immediately, it shall be the duty of said prosecutor, unless the presiding judge of said court constituted by this act shall think the public interest will be benefited by denying said request, to apply to the said presiding judge of the court of common pleas of said county for the immediate trial of said persons, and said presiding judge shall call a court of special quarter sessions, to be composed of himself and at least two other judges of said court to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to all the circumstances of the case, the public benefit and the possibility of obtaining necessary witnesses, and to determine Person charged with offence may waive indictment and trial by jury.

the guilt or innocence of the person charged; and if such person be acquitted by said court he shall forthwith be discharged; if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law, in case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor to attend on such trial in person or by deputy, prefer to said court an allegation in writing alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead, and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses, and the costs of such proceedings shall be in conformity with law and practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county now taxed and paid, except as herein otherwise provided; *provided*, that no one charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law.

Proviso.

Duties of clerk, sheriff, and other officers.

5. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all process whether of capias, subpœna or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county and shall be by him served and returned under the same regulations and with the same compensation as now or hereafter provided by law; and the said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore.

Compensation of additional judge.

6. *And be it enacted*, That the additional judge mentioned in this act shall receive a salary of eighteen hundred dollars per annum, payable by the board of chosen freeholders of said county in quarterly payments, and shall receive no share of the fees or compensation now divisible among the judges of any of the said courts; neither shall he be at liberty to practice in any of the courts of said county.

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

Approved March 25, 1869.

CHAPTER CCLXXV.

An Act to incorporate the Town of Harrison, Hudson County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Harrison, in the county of Hudson, lying within the following boundaries, to wit: Beginning on the Essex county line, in the middle of the Passaic river, and in the northerly line of the Morris and Essex Railroad Company's bridge, and thence running easterly along the northerly line of said bridge to the easterly line of the river road leading to Belleville, from the turnpike road between Newark and New York; thence along the easterly line of said river road in a north-easterly direction to the centre line of Reynold's avenue; thence in a south-easterly direction along the centre line of said avenue to the line of property belonging to the estate of William Mulock, deceased; thence in a north-easterly direction, along the line of said property of said estate, until it intersects the line of lands of James Bishop; thence in a south-easterly direction, along the line of James Bishop and John Williams, to the line of Daniel Ewen; thence in a north-easterly direction along the line of Daniel Ewen to the line of John Williams; thence in a south-easterly direction, along the line of John Williams, till it intersects the line of Hiram W. Davis; thence along the line of Hiram W. Davis and the line of lands belonging to the estate of General Philip Kearney, deceased, and the line of Hiram W. Davis and the line of Stephen K. Jerolamon, to the south-westerly corner of land belonging to John Dukes; thence in a south-easterly direction along the line of John Dukes, till it intersects the westerly line of the copper mines road; thence in directions south-westerly and southerly, along the westerly line of the copper mines road, till it intersects the centre line of the turnpike road leading from Newark to New York; thence in a westerly direction, along the centre line of said turnpike road, to a point in range with the division line between the properties of William S. Ogden and Mrs. Wright; thence in the direction of said line and along the line of division between lands of William S. Ogden, Mrs. Wright, Thomas Speer and

Boundary lines.

Caleb Speer, until it strikes the line of property belonging to the Morris and Essex Railroad Company; thence in a north-easterly course, along the division line between lands of William S. Ogden and lands of the Morris and Essex Railroad Company, to the line of lands belonging to the estate of William Wright, deceased; thence in a south-easterly direction, along the division line between the Morris and Essex Railroad Company, the estate of William Wright, deceased, the New Jersey Railroad and Transportation Company, and the estate of John P. Jackson, deceased, and continue in the same course to the middle of the Passaic river and Essex county line; thence, following the westerly course of the Passaic river, to the place of beginning, be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of the "Town of Harrison," and they and their successors may use a common seal, and by their corporate name shall be in law, within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held or conveyed.

Officers of the town, and their terms of office.

2. *And be it enacted*, That the officers of said town shall consist of six councilmen, a town clerk, who shall also be the clerk of elections, one assessor, a collector of taxes, one superintendent of schools, one overseer of the streets and highways, one treasurer, one judge of elections, one or more constables, one justice of the peace, one overseer of the poor, one poundkeeper, one freeholder, commonly called a chosen freeholder, three commissioners of appeal in cases of taxation, all of which officers shall hold their offices for one year, except councilmen, who shall serve two years; but on the first election three councilmen shall be elected for two and three for the term of one year, and on the following annual town meetings thereafter, there shall be elected three councilmen to serve in their office for the term of two years each; the councilmen shall receive no salary for their services, but shall render their services to the town without pay; the town clerk shall receive fifty dollars per annum, the assessor one hundred dollars per annum, the collector of taxes fifty dollars per annum, the collector of arrears of taxes shall receive ten per centum on real and fifteen per centum on personal property upon all taxes collected by him; the constable elected shall always serve as collector of ar-

Compensation

rears; the superintendent of schools shall receive fifty dollars per annum, the overseers of the streets and highways shall receive fifty dollars per annum, the treasurer shall receive fifty dollars per annum, all other officers shall be entitled to the same fees as the officers in townships now receive; all said officers, shall be elected annually by ballot on the second Tuesday in April, in the same manner as township officers are now elected, except the treasurer who shall be appointed by the councilmen; the election to be held and conducted by the judge of election, and the clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the election of members of the legislature, and the return of all elections of town officers shall be stated and signed by the judge thereof and attested by the clerk, and within forty-eight hours after the closing of the polls, filed in the office of the town clerk, who shall within five days thereafter, also file a true copy of said return in the office of the clerk of the county of Hudson. When elected.

3. *And be it enacted*, That every person who would by the laws of this state be entitled to vote in said town at any election for members of the legislature, if held on that day, shall be entitled to vote at the town elections above designated, and the person or persons receiving the greatest number of votes of those given in the town for any town officer, to be elected at such election, shall be deemed elected for the office designated by such votes. and the judges shall, in the said return, designate who are elected to the several offices to be filled at such election. Qualifications of electors.

4. *And be it enacted*, That all future elections to be held for county and state officers within said town shall be held by the judge, assessor, collector and clerk of said town provided for by this act; or in the absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner now prescribed by the laws of this state in such cases. Elections how and by whom held

5. *And be it enacted*, That the places at which all elections shall be held shall be designated by the councilmen herein provided for, excepting the first election under this act, which shall be held at the "People's Hotel" in said town of Harrison, and shall be published or advertised by the town clerk in five of the most public places in the town, at least ten days prior to any such election. Elections, where held.

6. *And be it enacted*, That the said corporation shall and may have power by the title of "The Town of Harrison," in the county of Hudson, to sue and be sued, answer and defend, plead and be impleaded unto, in any of the courts of this state, and may have a common seal alterable at pleasure.

Legislative powers vested in councilmen

7. *And be it enacted*, That the legislative powers of said corporation shall be vested in the councilmen, who shall also, for the purpose of this act, do and perform the duties of and be invested with the power and authority of the township committees in the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in said town; and said councilmen shall annually elect one of their number to be chairman, and in his absence a chairman for the time being, appoint their times and places of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, and shall have power and authority to pass ordinances and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for the carrying out of the provisions of this act; and shall have power and authority to fill any vacancy that may occur in their number, either from removal, death or resignation, or until others shall be elected in their place.

General powers.

Official bonds and oaths.

8. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act as said councilmen shall deem expedient, and no officer elected under this act shall enter upon the discharge of his duties, unless, within ten days after his election he take and subscribe before the town clerk an oath or affirmation, faithfully and impartially to execute the trust imposed in him, which oath the said clerk is hereby authorized and empowered to administer, and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the councilmen be filed in the office of the clerk of the county of Hudson.

Duties of the treasurer.

9. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation from the persons who shall collect the same, and shall pay out the same only upon warrants from councilmen, signed by their chairman and countersigned by the town clerk, except for the payment of

bonds of the town and certificates of indebtedness for improvements, given by the said corporation and interest on the same, and money paid into the treasury for the redemption of property sold for taxes and assessments, and no warrant on the treasurer shall be so drawn, except in pursuance of an order of the councilmen, passed at a stated meeting and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Duties of the town clerk.

10. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct; he shall keep a record of the proceedings of the councilmen; he shall engross all the ordinances of the councilmen in a book provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman, or acting chairman of the councilmen, and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the councilmen, and copies of the laws or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

Councilmen may make arrests.

11. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation of the peace, or of good order or morality, and to bring or cause such persons to be brought before a justice of the peace, to be dealt with according to law.

Commencement of official term.

12. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next after their election, and shall continue in office until the end of one year from that date, (except councilmen; their term of office shall be two years), but on the first election there shall be elected three councilmen for the full term of two years, and three for the term of one year, and at every election hereafter there shall be elected at each election of town officers, three council-

men for the term of two years; said councilmen must be freeholders of the town of Harrison.

Election of justices of the peace.

13. *And be it enacted*, That the election of a justice of the peace in said town shall be held and conducted as heretofore, as if this act had not been passed.

Inhabitants not incompetent as witnesses or jurors.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation the town of Harrison is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of said town.

Annual statement of receipts and expenditures.

15. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceeding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Treasurer to give bond.

16. *And be it enacted*, That the said councilmen shall annually appoint a treasurer, who shall before he enters upon the duties of said office, enter into bonds to the inhabitants of said town, in their corporate name, with one or more sufficient sureties being freeholders, residing in said town, to be approved of by said councilmen, and in such sum or sums, as said councilmen shall direct, conditioned for the faithful performance of all the duties of said office.

Duties of assessor and collector.

17. *And be it enacted*, That all taxes for the purposes of the town shall be assessed by the assessor, who shall be elected in pursuance of this act, upon all the property, both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes; and all taxes so assessed for town purposes shall be collected by the collector in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the town treasurer as soon as collected, and before the thirtieth day of December in each year; and no property whatever situated within the bounds of said town shall be exempt from taxation, excepting only such property as may be held or owned by the said town of Harrison in its corpo-

rate capacity, and such property as may belong to any fire department of said town, and all churches and school houses and church and school house property in said town.

18. *And be it enacted*, That the collector of the said town, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively thereunto annexed, and deliver the same to the clerk of the town, on or before the thirtieth day of December in each year, except when the said day shall be Sunday, and then the next day following, and it shall be the duty of said clerk to lay the same before the councilmen at the meeting thereof, held next after the same shall be delivered to him, and thereupon the said councilmen shall deliver the same to the justice of the peace, residing in said town, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, which shall be directed and delivered to the collector of arrears of taxes, who shall have power to collect the same in like manner in all things as the constables in the townships are directed by law; *provided*, that such collector shall before he delivers such list to said clerk, take and subscribe an oath or affirmation before the justice of the peace in said town, that the moneys in said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said town.

Proceedings in case of non-payment of taxes.

Proviso.

19. *And be it enacted*, That whenever, within the town, any tax shall remain unpaid after the twentieth day of December, every year, it shall be lawful for the collector of arrears of taxes to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected.

Interest on unpaid taxes.

20. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in the said town of Harrison, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or

Taxes to be and remain a lien.

Proceedings in case of sale of lands for assessments.

other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the councilmen for the payment thereof, it shall and may be lawful for the councilmen to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses; and to execute under the common seal of said town, a declaration of such sale, to be signed by the chairman of the councilmen and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended;

Proviso.

provided, the said councilmen shall first have caused said sale to be advertised for at least sixty days, in at least one public newspaper published in said county and generally circulated in said town, and also by advertisement put up in at least five public places in the said town, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale;

Proviso.

and provided also, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall

have been duly recorded before sale for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him, either personally, or if not to be found in the said town of Harrison, then such notice shall be deposited in the post office nearest to said town, directed to him at his last known place of residence (or at the post office nearest thereto,) but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the said term of time for which any lands, tenements or real estate so sold as aforesaid, shall not commence, nor shall said purchaser or those claiming under him, have a right of possession to said lands, tenements or real estate, until the two years limited for redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time or suspended as the councilmen may direct; *and provided*, that if at any sale of lands, tenements or real estate for assessments or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said councilmen to adjourn the said sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate, for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure,

Proviso.

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Proviso. judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid, (and if the property has been sold therefor) the time of sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to record in a book to be called "record of sale" all declarations of sale, and to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

How state and county taxes shall be assessed and collected.

21. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessor and collector of said town in like manner as township taxes are assessed and collected, and the same shall be paid over by the town collector to the county collector, in like manner and under like penalties as township collectors are directed by law.

County board of assessors.

22. *And be it enacted*, That the assessor authorized to be elected by this act shall have the like vote which the assessors of townships may have by the laws of this state in the county board of assessors.

May pass ordinances for establishing boundaries of streets, preventing animals running at large, &c.

23. *And be it enacted*, That the said corporation may by their title of "Town of Harrison," have power to pass, enforce, alter and repeal ordinances to take effect within said town of Harrison for the following purposes, to wit: to ascertain and establish the boundaries of all streets, roads and avenues in said town, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places in said town, and in every other respect to secure the public and adjoining owners, the safe and convenient use of the streets and sidewalks for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all quadrupeds from running at large in said town; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements, to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, routs,

disturbances or disorderly assemblages in any street, house or place in said town; to prevent and suppress gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; to license, regulate and to prohibit inns or taverns, and to prohibit all traffic in or sale of intoxicating drink or drinks, and to license, regulate and to prohibit hawkers and pedlers, upon such terms and under such regulations and penalties as the councilmen shall by ordinance impose; and no other license for such purposes, within said town, granted by the governor to hawkers and pedlers; and to prescribe the duties and compensation of all officers not defined by this act, or the statutes of this state; *provided*, that no ordinance or by-law shall be enacted or passed by the said councilmen, unless the same shall have been first introduced at a previous stated meeting and agreed to by at least four of said councilmen upon the passage thereof; all penalties for violation of any ordinance of said town shall be sued for and recovered before the justice of the peace of said town, in an action of debt, an execution may be issued against the goods, chattels and body of defendant; *provided*, no penalty for violation of any ordinance shall exceed five dollars or imprisonment more than five days. Proviso. Proviso.

24. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to lay out, open, widen, alter, grade, pave, macadamize, gravel, curb and gutter any street, road or avenue in said town, or any part thereof in said town; lay side and crosswalks thereon, build open sewers, drains and receiving basins in and upon any street, road or avenue in said town, or any part thereof, on the application in writing to the said board of councilmen by some of the owners of the lands over which such improvements shall pass, and all such applications shall be advertised by the board of councilmen in one of the Hudson county newspapers circulating in said town, and also by notices put up in five of the most public places in said town, for ten days at least before the same are adopted and the ordinances are passed to carry out the same; in which ordinance there shall be appointed three discreet, impartial and disinterested persons, residents and freeholders in said town, commissioners (who shall first be duly sworn or affirmed) to examine into the whole matter impartially and to the best of their judgment, May lay out, open, grade and pave streets on application of owners of lands. Proceedings thereon.

skill and ability, and who shall cause a survey and map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole costs of said improvement according to the best of their judgment, and shall assess such estimated cost upon the said lands fronting upon said improvements, and report the names of the owners of the lots or parcels as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of the town within thirty days after their appointment; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in one of the Hudson county papers circulating in said town, and by notice put up in five of the most public places in said town for ten days; and unless within thirty days after the filing of such report the two-thirds of the land owners to be assessed for such improvements shall file with the clerk of the town a remonstrance signed by them or their agent, lawfully authorized, said councilmen shall proceed to execute such improvement; but if such remonstrance shall be filed, the councilmen shall proceed no further in such improvement under that application; and all costs and expenses incurred by the council in such proceedings shall be repaid to the town by the petitioners for such improvements, and the councilmen may make such regulations touching the receiving and proceedings upon such petition and security for the expenses thereof, as they may deem proper.

Expenses and costs assessed on owners of property.

25. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and paving streets, roads and avenues, and repairing the same, for flagging or planking sidewalks, and for repairing, filling and refilling sidewalks, and for repairing and relaying, flagging or planking in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building open drains and sewers, when the same shall be completed, shall be assessed by the said three commissioners upon the lands and paid by the owners of the lands and real estate fronting upon the improvement so applied for, in proportion to the benefit received by said lands and real estate, except the main sewers or open drains, which shall be taxed and assessed to the whole town of Harrison; and the said commissioners shall determine and report in writing to the

Proceedings on assessment

board of councilmen what proportion of such expenses shall be assessed to each separate lot or parcel of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the clerk of the town of Harrison; whereupon the said clerk shall cause to be inserted in at least one of the Hudson county newspapers circulated in said town, for at least twenty days, a notice of the filing of said report, and shall also, for the same length of time, put up like notices in five of the most public places in said town; and that the councilmen shall meet at a time and place to be specified in said notices, to be at least twenty days from the date of the filing of said report, to consider said assessments, and to receive and consider all objections thereto which may be presented in writing; and if the councilmen shall confirm said assessment, it shall constitute a lien upon the property assessed for such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said councilmen for that purpose; and if the persons assessed neglect to pay to the town treasurer, upon written notice of the confirmation of the assessment and the passage of the ordinance to collect the same, the amount of their respective assessments within thirty days from the passage of said ordinance, the said councilmen may proceed to enforce the lien created in the manner prescribed in this act; and whenever within said town any assessment on any lot or parcel of land shall remain unpaid for thirty days after confirmation thereof by the councilmen, it shall be lawful for the councilmen to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; *provided*, that nothing in this section be construed to take away the powers which townships now have to repair roads.

Assessment to constitute a lien on real estate.

Interest on unpaid assessments.

Proviso.

26. *And be it enacted*, That all repairs in the carriage ways of any street, road or avenue in said town, or any part thereof, not applied for in the twenty-fourth section of this act, is required, and not made by the overseer of highways, and said councilmen shall consider the said repairs to be necessary, then, and in that case the committee of repairs (who shall be members of the board of councilmen, appointed by an ordinance as said committee), shall cause the said repairs

Street crossings and carriage ways may be repaired under contract.

to be made, by contract or otherwise, and the costs and expenses of such repairs shall be paid by the councilmen, upon their approval of the same, out of the road tax annually voted; that all repairs to sidewalks, crosswalks, and curb and gutter shall be made by the owners of the land in front of which such repairs are necessary, upon written notice by the committee on repairs; and if the said owner or owners shall be non-residents, it shall be sufficient for the committee on repairs to post said notice upon or near the lot or lots in front of which the sidewalks and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within fifteen days from the date of service or posting said notice as aforesaid, then it shall be lawful for the committee on repairs, and they are hereby authorized and empowered to cause the same to be made; and the costs and expenses of such repairing or relaying as aforesaid shall be assessed by said councilmen upon the lands directly in front of which such repairs shall be made, one-half on each side of such streets, except the crosswalks, which shall be assessed to the adjoining streets, roads or avenues to the extent of half the block on each side of said streets, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessment for improvements, and any road assigned to the overseer of the highway shall be subject to such regulation and ordinances as the councilmen shall see fit to adopt.

Repairs to sidewalks, &c., shall be made by owners of lands.

Proceedings in case of non-residents.

May improve streets and roads.

27. *And be it enacted*, That the said councilmen are empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as plank road, railroad or otherwise, except so far as they interfere with their corporate or vested rights, and in and upon all streets, roads and avenues that have been or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said town; said councilmen shall also have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said town, and all contracts in which said councilmen shall be interested as individuals, either directly or indirectly, shall be null and void.

28. *And be it enacted*, That it shall be the duty of said councilmen, by ordinance, to take charge of the embankment

now erected on the bank of the Passaic river (which embankment is for the purpose of keeping the waters of said river from overflowing adjacent lands in said town), which embankment extends from the southerly side of the turnpike road, leading from Newark to Jersey City, along said river bank to Burlington street, and also all the drains and sluicegates contiguous thereto, and to keep the same in repair, and to assess the costs and expenses, on the property drained and benefited thereby, and collect said taxes or assessments in the same manner as all other taxes or assessments are collected in said town.

Duty of councilmen as to embankment on Passaic river.

29. *And be it enacted*, That the legal voters of said town shall have power and authority at their annual charter election in each year, to raise by plurality of votes, such sum or sums of money as they may think proper and necessary for the support and maintenance of the poor of said town, for the support and maintenance of the fire department, for the support of common schools, and for the making and repairing of roads and highways; and which said sums, when assessed and collected, shall be applied by the said councilmen to the purposes designated by the people at such charter election, and shall not nor shall any part of the same be used or applied to any other purpose whatever.

Money raised by legal voters at charter election.

30. *And be it enacted*, That the said councilmen shall have power and authority, by general ordinance, to raise by tax, in addition to such sum or sums as may be authorized by the people at any town election held in pursuance of the provisions of this act, such sum or sums of money as they may deem necessary, not exceeding however, the sum of one thousand dollars in any one year, and which sum shall be assessed and collected in the same manner as other town, county and state taxes are assessed and collected, and when collected shall be applied by the said councilmen to the payment of the salaries of the officers mentioned in this act, and such other incidental expenses as may be incurred from time to time in carrying into effect the provisions of this act.

Money for salaries.

31. *And be it enacted*, That the said town of Harrison, as hereby created, shall constitute a sole and separate school district, with like rights, liberties, powers and privileges, and subject to the same liabilities and obligations as other school districts in this state now have and are subject to.

Township made a school district.

32. *And be it enacted*, That the several owners of real estate in said town of Harrison shall have power and author-

Owners of real estate may improve streets and sidewalks.

ity to make, and otherwise improve the several streets and sidewalks opposite their respective lands and real estate, in the manner as is in this act directed, at their own charges and expenses; they, however, at all times complying with and observing such uniform grade of streets and sidewalks, and such width of sidewalks as may from time to time be established by the said councilmen; and in case the said streets in said town, or any or either of them, or any part thereof, should not be so opened, graded and otherwise improved, either by the owners of the lands fronting on the same or by the said board of councilmen, in the manner in this act prescribed within five years from the passage of this act, or said sidewalks should not be so graded and made as aforesaid within five years from the passage of this act, then and in either case, the said board of councilmen shall have power and authority, and they are hereby authorized to at once proceed to make, open and lay out any such street or streets, or any part thereof not so made, opened or laid out as aforesaid, and to make and construct such sidewalks, or any part thereof, in the manner hereinbefore prescribed; and it shall not be necessary, in order to authorize said board of councilmen to cause work to be done, to present any petition from the owners of the property along the line of such improvements, as in this act is before mentioned.

Town may take, purchase or lease real estate.

33. *And be it enacted*, That it shall be lawful for the said corporation hereby created, to take, purchase or lease such real and personal property as they may deem necessary and proper for the purposes of the said town, and the same, or any part thereof, to lease, mortgage, sell or otherwise dispose of, as to them may seem proper.

Paupers.

34. *And be it enacted*, That all paupers who shall have gained a settlement in the township of Harrison, within the bounds of the said town of Harrison, shall be chargeable to and supported by the said town of Harrison.

Act may be amended.

35. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act; and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1869.

CHAPTER CCLXXVI.

An Act to authorize the Passaic Valley and Peapack Railroad Company to build a Bridge across the Delaware river at their termini.

May construct a bridge or viaduct over Delaware river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Passaic Valley and Peapack Railroad Company, and they are hereby authorized, by and with the consent of the state of Pennsylvania, or in conjunction with any company, that has obtained or that may obtain the consent of said state to construct a railroad bridge or viaduct across the Delaware river, at or near Milford, or at their termini, but not below the town of Milford, as authorized by their original charter, and its supplements, to enable them to cross the said river with their locomotives, cars and trains, and to connect with any Pennsylvania railroad, which may be authorised to form a connection with them, which bridge shall be constructed in reference to the position and form of the piers and the height of the bridge above the waters of said river as to cause the least practicable obstruction to the navigation of said river, and the said company are also authorized to alter the location of their road so as to enable them to connect with such bridge and to pass their locomotives, cars and trains over the same.

May authorize other companies to use bridge or viaduct

2. *And be it enacted*, That it shall be lawful for the said Passaic Valley and Peapack Railroad Company to authorize and permit any other railroad or canal corporation of this state to use the said bridge for the transportation of passengers or freight, upon or over it, and to make such connections by tracks, switches, turnouts or otherwise, as may be requisite to give them a free use of the said bridge for the conveyance of passengers or freight to, upon or over said bridge, and to its connections on either side of the river Delaware; *provided*, that the corporation or corporations using the said bridge shall pay to the Passaic Valley and Peapack Railroad Company, a sum not exceeding three cents per ton for each ton of merchandise or freight, and five cents per passenger, for each passenger transported over said bridge.

Proviso.

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

Approved March 25, 1869.

CHAPTER CCLXXVII.

A Supplement to the act entitled "An Act to revise and amend the charter of the Town of Orange."

Council may pass ordinances to drain town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the said town of Orange, shall be and they are hereby authorized and empowered to pass, alter and repeal from time to time, any and all such ordinance or ordinances as they shall think proper, for any or all of the following purposes, namely: to straighten, alter, widen, excavate, deepen and clear out the channel of any brook or brooks, or running stream or streams, within the limits of said town; and to take and appropriate any land that may be needed therefor; and to take down, lower or remove any dam, gate or other obstruction of any kind, therein; and to use said channel for draining any land or any streets or highways, in said town; and also to build and erect any wall or other embankment that may be necessary for the protection of the banks of said channel; and to make compensation, by payment of damages, to the owner or owners of any land or lands that may be so taken and appropriated therefor or in any way damaged thereby, as well as to the owner or owners of any dam or gate that may be so taken down, lowered or removed, in making the improvement.

May have ingress and egress upon lands.

2. *And be it enacted*, That the said common council, and their agents and workmen, and every of them, shall and may have full and free ingress and egress into, upon and from any and all lands adjacent or contiguous to said brook or running stream, at any and all times, with horses, cattle, vehicles and implements, for all or any of the above mentioned purposes.

3. *And be it enacted*, That such ordinance or ordinances shall be presented to and acted upon by the said common council, mayor, town clerk and board of assessments, and that notice thereof and of the several meetings of the common council and the board of assessments shall be given, and that a map of the improvement shall be prepared or accepted by the said common council; and that the expense of making said improvement, including surveying and a moderate allowance for the cost of making an assessment, shall be ascertained and determined by the common council, and entered upon the record of their proceedings; and that the board of assessments shall assess the damages to be sustained by the owner or owners of any land or lands so taken and appropriated, or damaged, or of any dam or gate that may be so taken down, lowered or removed, and shall assess the said damages and the expense of making said improvement, fairly and equitably upon the owner or owners of any adjacent or contiguous lands, which in the opinion of said board of assessments, will be benefited thereby; and that said board shall make report of said assessments, and that the common council shall and may act upon, and adopt and ratify the same, with or without alteration; and that an appeal may be had from any assessment for damages as aforesaid; and that payment or tender of payment of said damages shall be made; and that any assessment for the benefits and expense of said improvement shall be a lien upon the lands and real estate so assessed, and the payment thereof may be enforced by a sale of said lands and real estate, in the same manner (or as nearly so as circumstances will admit), as in the case of proceedings for laying out and opening any street or highway in said town. Cost assessed and collected from owners of adjacent property.

4. *And be it enacted*, That no notice to the owner or owners of said lands and real estate, dam or gate, taken for, or damaged or benefited by said improvement, shall be required other than the several notices mentioned in the sixty-first, sixty-fourth, and sixty-fifth sections of the above stated act. Notice to owners of lands.

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

Approved March 25, 1869.

CHAPTER CCLXXVIII.

An Act to authorize the use of a railroad now built extending between Atsion and Jackson, now Atco.

Authorizing the use of railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any persons who are or may become proprietors of the railroad now built and leading from Atsion, in the county of Burlington, to Jackson, now called Atco, in the county of Camden, are hereby declared to be authorized to use the said railroad for the transportation of passengers and freight, at such rates and charges as they may adopt, not exceeding four cents per mile for each passenger, and six cents per ton for freight, and to contract for the connection or sale of said railroad with or to any other railroad or railroads now existing, and for the carrying on of joint business thereon, upon such terms as the said proprietors and the corporations owning such other roads may agree for, and such corporations are hereby authorized to make such agreements.

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

Approved March 25, 1869.

CHAPTER CCLXXIX.

An Act relative to the Public Printing.

Printing regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the senate, and minutes of the joint meeting, the minutes of the house of assembly and legislative documents shall be printed hereafter in accordance with the style in which the work was done in

the year eighteen hundred and sixty-eight, at the following prices, to wit: for printing three thousand copies of session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meeting, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press-work; for printing one hundred and fifty copies of the public bills, ordered by either branch of the legislature, at the rate of six dollars per sheet of four fools-cap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press-work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rate above stated; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents set in bourgeois type in the session laws, journals of senate and minutes of house of assembly. Proviso. Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, white calendered printing paper for the documents, in octavo form, weighing not less than forty-four pounds to the ream of four hundred and eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good flat-cap paper weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in February; for the paper used in the pamphlets and legislative documents, and current work ordered by the legislature, at the lowest rates at which the same is sold by paper dealers in either of said cities during the last week in January; and for the other work at the lowest rates aforesaid at which such paper is sold in either of said cities during the last week in March of this What prices to include.

year; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing has been executed.

Legislative documents.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents, which are deemed of sufficient public importance to be printed and bound for preservation and reference, shall hereafter be embraced in one volume, under the title of "legislative documents," and no document or report shall be printed in said volume, unless so ordered by the joint committee on printing; and when said joint committee shall order any document to be printed in the said volume of legislative documents, the printer shall print one thousand copies thereof, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once at periods not more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for, each time the said document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Copy to be delivered within thirty days.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, eighteen hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons appointed to print the same within thirty days after the close of the session of the legislature; and in the event of the clerk of the general assembly and secretary of the senate failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Indices.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, to the minutes of the house of assembly, and to the legislative documents shall hereafter be made out by the person or persons respectively, who may be employed to execute said printing, and the sum of fifty dollars each shall be allowed the said printers for compiling such indices; *provided*, that said indices shall be printed in solid bourgeois type, and be made out alphabetically under one heading, in the style of the index to the

Proviso.

journal of the senate of New Jersey for the year eighteen hundred and sixty-eight.

Journal and minutes, how printed.

6. *And be it enacted*, That the journal of the senate and minutes of the house of assembly shall hereafter be printed in the same compact form and style, as the journal of the senate for the year eighteen hundred and sixty-eight, and the comptroller shall audit no bills for printing not executed in accordance with this law.

Current printers.

7. *And be it enacted*, That Naar, Day & Naar, of Trenton, be employed to print the bills, pamphlets, and such other matters as may be ordered by the senate and house of assembly.

Printer of legislative documents

8. *And be it enacted*, That W. C. McGregor, of Hudson, be appointed to print one thousand copies of the legislative documents of the current year.

Printer of assembly minutes.

9. *And be it enacted*, That James S. Yard, of Monmouth, be employed to print one thousand copies of the minutes of the house of assembly for the current year.

Printer of laws.

10. *And be it enacted*, That A. R. Speer, of New Brunswick, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said A. R. Speer shall have received the copy thereof, and on failure thereof the said A. R. Speer shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due him for printing said copies.

Must deliver within two months after receiving copy

Secretary of state must deliver copy within thirty days.

11. *And be it enacted*, That it shall be the duty of the secretary of state to deliver, or cause to be delivered, to the person or persons who shall be authorized to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons authorized to print the copies of the laws, any such sum which he or they may have forfeited by reason of such default.

Printer of senate journal.

12. *And be it enacted*, That Charles Wills, of Burlington, be employed to print one thousand copies of the journal of the senate for the current year.

Repealer.

13. *And be it enacted*, That all acts and parts of acts, conflicting with the provisions of this act, be and are hereby repealed.

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

Approved March 25, 1869.

CHAPTER CCLXXX.

An Act for the further revising and amending the "Act to incorporate the city of Paterson."

TITLE I.

City limits declared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of all that part of the county of Passaic embraced within the limits of the city of Paterson, as now established by law, be and are hereby constituted and continued a body corporate and politic, in fact and in name, by the name of "The Mayor and Aldermen of the City of Paterson," and they and their successors may use a common seal, and by their corporate name shall be in law, within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding and conveying for the public use of said corporation any estate, real or personal, that the public good requires to be so purchased, held or conveyed; and the said mayor and aldermen of the city of Paterson and their successors shall, by virtue of this act, become and be absolutely and completely vested with all lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion or remainder, which at the time of the passing of the original act were vested in or belonged to the inhabitants of the township of Paterson in their corporate capacity, and which since that time have become vested in or belong to the said "The Mayor and Aldermen of the City of Paterson" in their corporate capacity, and shall be liable to pay as well all the just debts which the said inhabitants of the township of Paterson owed in their corporate capacity, as all just debts

Corporate name.

heretofore incurred by the said mayor and aldermen of the city of Paterson.

2. *And be it enacted*, That the city of Paterson shall be divided into eight wards, the boundaries of which shall be as follows: Boundaries of wards.

I. All that part of the said city beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets, running thence, first, northeasterly along the centre line of North Main street to the centre line of Temple street; second, northwesterly along the same to the present division line between the city of Paterson and the township of Manchester; third, north and southeasterly along the same to the centre line of Passaic river, and thence, fourth, southwesterly along the same the several courses thereof to the beginning, shall constitute the First Ward of the said city. First ward.

II. All that part of the city, beginning at the point of intersection of the centre lines of the Passaic river, Main and North Main streets, running thence, first, northeasterly along the centre line of North Main street to the centre line of Temple street; second, northwesterly along the same to the present division line between the city of Paterson and the township of Manchester; third, south and northwesterly along the same to the centre line of the Passaic river, and thence, fourth, northeasterly along the same the several courses thereof to the beginning, shall constitute the Second Ward of said city. Second ward.

III. All that part of said city, beginning at the point of intersection of the centre lines of the Passaic river, Main and North Main streets, running thence, first, southwesterly along the centre line of Main street to the centre line of Broadway; second, easterly along the same to the centre line of the Passaic river, and thence, third, northerly, north and southwesterly along the same the several courses thereof to the beginning, shall constitute the Third Ward of said city. Third ward.

IV. All that part of the said city, beginning at the point of intersection of the centre lines of Broadway and Main streets, running thence, first, southwesterly along the centre line of Main street to the centre line of Congress street; second, easterly along the same to the centre line of Market street; third, southeasterly along the same to the division line between the city of Paterson and the township Fourth ward.

of Acquackanonk; fourth, easterly along the same to the centre line of the Passaic river; fifth, northerly along the same the several courses thereof to the centre line of Broadway, and thence, sixth, westerly along the same to the place of beginning, shall constitute the Fourth Ward of said city.

Fifth ward. V. All that part of the said city, beginning at the point of intersection of the centre line of Market street, with the line dividing the city of Paterson from the township of Acquackanonk, and running thence, first, westerly along the said line dividing as aforesaid to the centre line of Marshall street; thence, second, northerly along the same to the centre line of Oliver street; thence third, easterly along the same to the centre line of Cross street; thence, fourth, northerly along the same to the centre line of Congress street; thence, fifth, easterly along the same to the centre line of Market street; and thence, sixth, southeasterly along the same to the beginning, shall constitute the Fifth Ward of said city.

Sixth ward VI. All that part of the said city, beginning at the point of intersection of the centre lines of the Passaic river, Main and North Main streets, running thence, first, southwesterly along the centre line of Main street to the centre line of Congress street; thence, second, southwesterly along the same to the centre line of Spruce street; thence, third, northerly along the same to the centre line of the Paterson and Little Falls turnpike; thence, fourth, southwesterly along the same to the division line between the city of Paterson and the township of Acquackanonk; thence fifth, northwesterly along the same to the center line of the Passaic river; thence, sixth, northeasterly along the same to the beginning, shall constitute the Sixth Ward of said city.

Seventh ward. VII. All that part of the said city, beginning at a point of intersection of the centre lines of Congress and Cross streets, and running thence, first, southwesterly along the centre line of Congress street to the centre line of Mill street; thence, second, southerly along the same to the line dividing the city of Paterson from the township of Acquackanonk; thence, third, easterly along the same to the centre line of Marshall street; thence, fourth, northerly along the same to the centre line of Oliver street; thence, fifth, easterly along the same to the centre line of Cross street; and thence, sixth, northerly along the same to the beginning, shall constitute the Seventh Ward of said city.

Eighth ward. VIII. All that part of the said city, beginning at the

point of intersection of the centre lines of Congress and Mill streets, and running thence, first, southerly along the centre line of Mill street to the line dividing the city of Paterson from the township of Acquackanonk; second, northwesterly along the same to the centre line of the Paterson and Little Falls turnpike; third, northeasterly along the same to the centre line of Spruce street; thence, fourth, southerly along the same to the centre line of Congress street; and thence, fifth, northeasterly along the same to the beginning, shall constitute the Eighth Ward of said city.

IX. The Ninth Ward of said city shall consist of the territory embraced within the boundaries described in the act entitled "An Act to annex part of the townships of Acquackanonk and Little Falls to the city of Paterson," and in said act established as said Ninth Ward. Ninth ward.

TITLE II.

ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

3. *And be it enacted*, That the city officers shall consist of a mayor, city clerk, overseer of the poor, three commissioners of appeal, in cases of taxation, and such other officers as are hereinafter mentioned. City officers.

4. *And be it enacted*, That the ward officers of said city shall be two aldermen, one assessor, two chosen freeholders, two surveyors of the highways, three judges of election, one ward clerk, one constable, and such other officers as are hereinafter mentioned. Ward officers.

5. *And be it enacted*, That the board of aldermen shall consist of two aldermen in and for each of the wards of said city, who shall be divided into two classes as heretofore, and each of the said wards shall, at the annual charter election elect one person as alderman of said ward, who shall hold his office for the term of two years; *provided*, that nothing herein contained shall change the term of office of any alderman of the present board elected in the second, fourth, fifth, sixth and seventh wards; *and further provided*, that the present board of aldermen shall determine by ballot, on or before the first Monday in April next, or otherwise, the term or terms for which the present aldermen were elected from the first, third and eighth wards; and the said board of aldermen shall hereafter have power to determine the term or terms Board of aldermen. Proviso. Proviso.

for which any alderman may be elected in any new ward in said city when not otherwise determined by law.

Annual charter election.

6. *And be it enacted*, That an election shall be held in each of the wards of said city on the second Monday in April next, and in each and every succeeding year thereafter, between the hours of eight o'clock in the morning and seven o'clock in the evening, at such places as the mayor and aldermen of said city shall appoint, of which places the said mayor and aldermen shall cause notice to be published in two or more newspapers printed in said city, at least one week before the day of election, at which election, until otherwise provided for by law, there shall be voted for and chosen from among the inhabitants of said city entitled to vote in the same, one person to be mayor of the city, one person to be clerk of the city, one person to be overseer of the poor, two persons to be commissioners of appeal in case of taxation; and there shall be voted for and chosen in each of the said wards, from among the residents of said wards entitled to vote in the same, one alderman, one assessor, two chosen freeholders, two surveyors of the highways, three judges of election, one clerk of the ward, one constable, and such other officers as hereinafter mentioned.

Who may be entitled to vote.

7. *And be it enacted*, That every person entitled to vote at the charter election who would by the existing laws of the state be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at said charter election, and that every person so voting shall vote in the ward in which he actually resides on the day of election, and in no other.

Duties of officers of election

8. *And be it enacted*, That at the said annual charter elections in each ward the name and residence of each elector voting at such election shall be given and written in the poll list, kept at such places of election by the clerk of the ward, as directed in the fifth section of the act approved April twenty-second, eighteen hundred and sixty-eight, entitled "Supplement to an act entitled 'An Act to regulate Elections,' approved April sixteenth, eighteen hundred and forty-six," under the penalty prescribed in said fifth section, in case of refusal, and after the poll shall be closed the judges of election shall count the votes given for the several candidates, and certify who are elected to the respective ward offices under their hands, and within three days after such election deliver such certificate to the clerk of the

ward, and also copies thereof to the clerk of the city and of the county, to be by them filed and preserved in their respective offices; and said judges of election shall make a separate certificate of the number of votes given to the candidates for city offices, and deliver the same to the city clerk within three days after such election.

Returns of election to be filed.

9. *And be it enacted*, That the clerk of the city and the board of aldermen shall add together the votes so certified from the several wards, and the persons having the highest number shall be declared elected, and certificates of the result shall be recorded in a book of minutes of the city, and a copy thereof be filed in the office of the clerk of the county, and the persons so declared elected to the offices to which they have been voted for respectively, as well for city as for ward offices, shall enter upon the duties of their respective offices on the first Monday after their election, and continue therein one year and until others are elected and enter into office in their stead, except the mayor and aldermen, who shall hold their office for the term of two years and until others are elected, and duly enter into office in their stead, and that the first yearly meeting of the board of aldermen shall be on the third Monday in April in each year.

Duties of the judges of election and the ward clerks.

10. *And be it enacted*, That said judges of election shall take the same oaths and conduct such elections and make returns thereof in the same manner as township officers of election are or may be required by law to do, and as required by this act, and shall be vested with the same powers and authority, entitled to the same compensation and perform the same duties, and be subject to the same penalties as the like officers of the township of the state are or may be by law vested with, allowed or subject to, and in case of the absence, death, incompetency or refusal to serve of any of the said officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the clerks of said wards respectively, shall procure election boxes for the use of the wards in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to provide such boxes.

11. *And be it enacted*, That the person or persons receiving the highest number of votes cast for any city or ward office,

Proceedings when persons receive an equal number of votes.

shall be deemed and taken to be elected to that office, and whenever at any election for city or ward offices, except the office of mayor, aldermen or justice of the peace, an equal number of votes shall have been given to two or more persons to fill any city or ward office, for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the city or ward office shall be filled by the board of aldermen, by electing by ballot one or more persons to fill such city or ward office from the two or more persons receiving the greatest number of votes thereof at the preceding charter election; and whenever at any election for the offices of mayor, aldermen or justice of the peace, an equal number of votes shall have been given to two or more persons to fill such office for which they shall by law be qualified, by reason whereof it shall happen that such office of mayor, aldermen, or justice of the peace shall not be filled, then the same shall be deemed and taken to be vacant, and the board of aldermen shall immediately order a new election to fill such office of mayor, aldermen or justice of the peace.

Vacancy and full term must be designated on ballot.

12. *And be it enacted*, That if at any charter election to be held in said city, there shall be a vacancy in any office to be filled, and at the same time an election for the full term of such office, the term for which each person shall be voted for at such election, shall be designated on the ballot cast therefor.

Vacancies of city and ward officers may be filled by board of aldermen.

13. *And be it enacted*, That in case of death, resignation, inability, disqualification, or refusal to serve, or removal out of the bounds of said city of any of the officers so elected at the charter election, and should a vacancy thereby occur in such office, the board of aldermen may in their discretion fill such vacancy by the appointment of a suitable and qualified person for the unexpired term of such office, except the office of alderman, mayor or justice of the peace, which shall be filled by a new election therefor.

Election for state and county officers how conducted.

14. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate and general assembly, clerk, surrogate, sheriff and coroners of the county of Passaic, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general, state, district or county governments that may be eligible by the people, shall be held in the several wards of the said city, at the place or the places therein appointed by the mayor and aldermen for holding the charter election, on the day now or hereafter designated by

law for holding such elections; the polls shall be opened and closed at the hours prescribed by law, the judges of election, before mentioned, shall preside and conduct all such elections, and the clerks of the said wards shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such charter elections shall give his vote in the ward in which he actually resides at the time of such election and not elsewhere; and in case any person, at any election whatever held in said city, shall vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed by law for fraudulent voting.

Board of aldermen shall appoint certain officers.

15. *And be it enacted*, That the board of aldermen shall from time to time appoint by a majority of the whole number of the members of said board at any meeting, a clerk of the board who shall assist the clerk of the city, a collector of revenue, a recorder, a city treasurer, a city attorney, a city physician, a comptroller, a street superintendent, a city marshal, one or more police constables, and such other subordinate officers not herein named, as they shall think necessary for the better ordering and governing of the city, and the carrying into effect the powers and duties conferred and imposed upon the said mayor and aldermen by this act, and every person who shall be appointed to any office under the provisions of this act, shall be a resident and voter of the said city, and shall continue in office until his office be declared vacant, or until another person shall be appointed to succeed him, and shall enter upon the duties of his office except the recorder and collector of city revenue, who shall be appointed to hold their respective offices in the manner and for the time hereinafter mentioned.

City clerk, &c. to give bonds.

16. *And be it enacted*, That the city treasurer, comptroller, collector of revenue, recorder, street superintendent, city marshal, police constables, overseer of the poor and city clerk, and such other officers as the board of aldermen may direct, shall, before they enter upon the duties of their offices, severally execute their respective bonds to the mayor and aldermen of the city of Paterson, in such sums and with such securities as the board of aldermen shall approve, conditioned for the faithful execution of the duties of their office, which bonds shall be filed and preserved in the city clerk's office, or with such person as the mayor and aldermen may direct.

17. *And be it enacted*, That any person who shall be

City officers to take and subscribe oath.

elected or appointed to any office pursuant to the provisions of this act, shall, within twenty days after such election or appointment, and before he enters upon the duties of his office, take and subscribe before a justice of the peace or any other legal officer for that purpose appointed, an oath or affirmation that he will faithfully and impartially execute the duties of his office according to the best of his ability, skill and understanding, which shall be filed in the office of the city clerk, and any person elected or appointed to any office under this act, and not qualifying in the time above specified, then his office shall be deemed vacant.

Commissioners of appeal in cases of taxation.

18. *And be it enacted*, That there shall be three commissioners of appeal in cases of taxation, who shall hold their offices for one year, and until their successors shall have qualified, one of said commissioners shall be appointed by the board of aldermen, and two of them shall be elected by the people at the same time as other city officers, as follows; that no more than one name shall be voted for on the same ticket, and when more than one name appears on a ticket for said office, the judges of election shall reject all the names for the office of commissioners of appeal; *provided however*, that the rejection of said name shall in no way invalidate the counting of the names of other officers on the ticket.

Proviso.

Constables shall take an oath and give bonds.

19. *And be it enacted*, That every constable of said city before he enters upon the duties of his office, shall take and subscribe before the city clerk an oath or affirmation in the form prescribed for constables of townships in the nineteenth section of an act of the legislature entitled "An Act incorporating the inhabitants of townships, designating their meetings," using the word city instead of the word township, and the said clerk on receiving the certificate of election of such constable from the proper ward officers, shall administer the said oath or affirmation, and endorse thereon the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and the endorsement thereon in his office; and, further, every constable of said city before he enters upon the execution of his office, shall enter into bonds to the mayor and aldermen of the city of Paterson, with one or more sureties to be approved by the board of aldermen in such sum as the mayor and aldermen may direct, in the manner as near as may as is prescribed in the first section of the act of the legislature entitled "An Act respecting

constables," which bond shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and the said mayor and aldermen are hereby directed and required, if need be, to prosecute the said bond for and in behalf and to the use of all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of the said constable, and all suits on such bond shall be prosecuted and conducted in the manner directed in the third section of the last mentioned act for prosecuting and conducting suits on constable bonds.

TITLE III.

POWERS AND DUTIES OF THE BOARD OF ALDERMEN AND OTHER CITY OFFICERS.

Board of aldermen.

20. *And be it enacted*, That the aldermen of the city duly elected by the several wards thereof shall constitute and be called "The Board of Aldermen of the City of Paterson."

Powers of the board.

21. *And be it enacted*, That the board of aldermen shall annually elect a president from its own body, and in his absence a president for the time being, choose officers, appoint its time and place of meetings, determine the rules of its own proceedings, and be the sole judges of the qualifications of its own members, keep a journal of its proceedings, and may expel a member for disorderly conduct or a violation of its rules and declare his seat vacated, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice, that he may have an opportunity to be heard in his defence; the board or any committee of the board shall have power to issue writs of subpœna and compel the attendance of witnesses and may administer oaths or affirmations in all matters pertaining to the business of the board.

Ordinances must be approved by the mayor.

22. *And be it enacted*, That hereafter every ordinance adopted by the board of aldermen shall, before it takes effect, be presented, duly certified by the clerk, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve it he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it, and the said board shall at its first regular meeting thereafter order the objections to be entered at

large on its journal, and shall proceed to reconsider the same, and if a majority of all the members of said board shall then pass the same it shall be in force and take effect from the time of such passage, but in every such case the vote upon the passage of such ordinance shall be taken by ayes and nays and entered in full on the journal of said board; and if any such ordinance or resolution shall not be so returned by the mayor within ten days as aforesaid it shall take effect as though he had signed it.

Meetings of board of aldermen and what constitutes a quorum.

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

Special powers.

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

Finances.

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

To prevent vice and immorality.

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

Suppress gaming houses, &c

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

To regulate saloons.

IV. To regulate victualling houses or cellars, billiard and bowling saloons;

To regulate exhibitions.

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

To establish boundaries of streets.

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

VII. To regulate, clean and keep in repair the streets and

highways, to prevent and remove obstructions and encumbrances in and upon all streets, sidewalks, lanes and alleys in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets and public grounds of the city, and to enforce the removal of snow, ice or dirt from the sidewalks or gutters by the owners or occupants of the premises, fronting thereon; To repair streets and highways, &c.

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

IX. To prevent and punish horse racing and immoderate driving or riding in any street, and authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city; To prevent immoderate driving.

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

XI. To provide lamps, and to light the streets and public places of every description in said city, with gas, oil, or other illuminating substance; Lighting streets.

XII. To preserve and regulate wells, pumps, and cisterns in the public streets; To preserve wells.

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

XIV. To regulate and prevent the running at large of dogs; to authorize the destruction of the same when found running at large, and to impose taxes on the owners of dogs; To destroy dogs and impose taxes on dogs.

XV. To regulate and prohibit the keeping of swine; Cattle, sheep and swine.

XVI. To pass ordinances for the preservation of harmless birds, and to prevent the destruction thereof; Harmless birds.

XVII. To locate, regulate and remove slaughter houses, erect, establish and regulate public markets; license and re- To regulate public markets.

gulate butchers; designate the places, times and manner of selling meats, fish and vegetables, and to prohibit persons from selling without a license;

Sale of hay, straw, &c.

XVIII. To prescribe and regulate the place of vending or exposing for sale, hay, straw, wood, and charcoal, from wagons or other vehicles;

To prevent annoyances.

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

To punish vagrants.

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

To establish board of health.

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

To abate nuisances.

XXII. To abate and remove nuisances of every kind and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants, to clean, remove or abate the same from time to time as often as they may deem necessary for the health of the inhabitants of the city at the expense of the owner or occupant thereof:

To license cartmen.

XXIII. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind (or to authorize the mayor to grant such licenses and to require the owners to mark the same in such manner as the board of aldermen shall direct;) auctioneers, common criers, hawkers, pedlers, pawn-brokers, junk-shop keepers and scavengers, and to fix the rates of compensation to be allowed to them and to prohibit unlicensed persons from acting in such capacities;

To prevent noises.

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

To regulate bathing.

XXV. To regulate or prohibit swimming or bathing in the waters in or bounding the city;

To regulate weights and measures.

XXVI. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by weight or measure, to cause his or her weights and

measures to be sealed by the city sealer and to be subject to his inspection;

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

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

XXIX. To adopt all legal and requisite measures for levying and collecting the taxes; To levy and collect taxes.

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

To fix compensation for special services.

XXXI. To fix and determine a reasonable compensation to be paid to any officer of said city or other person employed by them, for any service required of him by this act, or by any ordinance or resolution passed by them for which no specified fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed for the use of the city.

To make, alter and repeal ordinances.

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

To establish almshouses, &c.

26. *And be it enacted*, That the board of aldermen shall have power to build, establish, keep and maintain one or more work-houses and one or more alms-houses for the relief of the poor, and shall have power, by ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein, maintain, employ, and take the benefit of the labor and services of such persons while maintained or employed therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of said city, shall be under the government and direction of said board of aldermen, and of such overseer of the poor and other officers as they shall for that purpose constitute and appoint; and the overseer of the poor elected or appointed by the board of aldermen, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Duties of the overseer of the poor.

27. *And be it enacted*, That the overseer of the poor of said city, by and with the advice and consent of the board of aldermen of said city, shall exercise all the powers and perform all the duties which are granted to and imposed on the overseers of the poor and justices of the peace in regard to the binding out and protection of poor children, by the twelfth section of an act entitled "An Act for the settlement and relief of the poor," approved April the tenth, eighteen hundred and forty-six.

28. *And be it enacted*, That every recognizance taken by or before the recorder, or any justice of the peace in said

city, by virtue of the first or second section of an act entitled "An Act for the maintenance of bastard children," approved April the tenth, eighteen hundred and forty-six, shall be in the name of the mayor and aldermen of the city of Paterson, and when forfeited the same may be prosecuted for their benefit, and all moneys arising therefrom shall be paid into the treasury of said city. Recognizance forfeited to inure to the benefit of the city.

29. *And be it enacted*, That the mayor may communicate to the board of aldermen from time to time, when he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, with such recommendations as he may think proper; he shall be vigilant and active in causing the laws of the city to be duly executed and enforced, and exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints against them for violation or neglect of duty, and generally to perform all such duties as may be required of him by law. Mayor shall communicate to aldermen a general statement of the condition of the city.

30. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the said city and disburse the same by the order of the board of aldermen, but in no case shall the public money be drawn from the treasury except it first be specifically appropriated by the mayor and aldermen to some public object requiring the outlay, and the drawing the same shall in all cases be based upon full and detailed statements in writing, which shall be placed on file by the treasurer, and that the treasurer of said city shall keep his account of the moneys raised by tax or loan since the last annual election and all the receipts and expenditures by him, in such manner as the said board of aldermen may direct, and the said treasurer shall, fifteen days next previous to the annual election, make out and deliver to the city clerk, to be by him filed in his office, a full and true account of the receipts and expenditures during the year and the state of the treasury; and it shall be the duty of said clerk to cause a copy of said account to be published in two of the newspapers printed in said city at least ten days previous to the day of the next annual election for city officers. Duties of the city treasurer.

31. *And be it enacted*, That it shall be the duty of the comptroller of said city to keep an accurate account of all moneys due the mayor and aldermen of the city of Paterson, to audit all claims against the same, to examine into the correctness thereof, and the subject for which such claims are Duties of the comptroller.

made, and to make a report thereon to the board of aldermen in writing, under his hand, as often as need be, and when such report is by said board of aldermen approved, they shall order by resolution, the treasurer of said city to make payment of such claims, and the comptroller shall, ten days before each annual charter election, present to the board of aldermen, in writing, a report of the financial condition of the city, giving in detail the items of assets and liabilities.

Duties of the city clerk.

32. *And be it enacted*, That the clerk of said city shall also be chief clerk of the board of aldermen, and shall attend with them at their meetings, and keep a record of their proceedings in a book to be provided for that purpose, and shall keep the common seal and all the records, books and documents filed in his office; he shall countersign all licenses signed by the mayor, he shall engross all the ordinances of the city of Paterson, in a book provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor, the president of the board of aldermen, and the city clerk; and copies of all papers duly filed in his office and transcripts thereof, and of records and proceedings of the board of aldermen, and copies of the ordinances of the said city, certified by him under the common seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by law, ordinance or usage are paid to the city clerk, and report to the board of aldermen monthly, the amount of such receipts and payments, and perform all such other duties as may be prescribed by ordinance for him.

President of board to be acting mayor in his absence

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

President of board shall appoint committees.

34. *And be it enacted*, That the president of the board of aldermen shall appoint all standing and special committees of the board, subject to the approval of the said board or a majority of them; *provided*, that nothing herein con-

Proviso.

tained shall exempt said president from serving on any standing or special committee of said board of aldermen.

Clerk of the board.

35. *And be it enacted*, That the clerk of the board of aldermen shall assist the city clerk at the meetings of the said board, and shall perform all such other duties as the board of aldermen shall from time to time, by ordinance, prescribe and ordain.

Board may change the course of waters.

36. *And be it enacted*, That the board of aldermen shall have the power, when either of the same may be deemed or adjudged by them to be a public nuisance and detrimental to the public health, to check or change the course of the waters in any natural brook, creek or small water course in the city of Paterson, without subjecting the city to any damage to any owner of any real property fronting on or adjoining such brook, creek or small water course on account of such checking or changing the course of such waters.

Powers of certain officers.

37. *And be it enacted*, That the clerk of the city, the assessors, the collectors of revenue, the constables, police constables, street superintendent, commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of the highways, the overseer of the poor, the judges of election, and all other officers elected or appointed under this act shall respectively possess the powers and perform the duties of like officers of any township of this state, under such restrictions or increase of powers and duties as are imposed or conferred on them respectively by this act; and the mayor and aldermen, collectively and individually, shall possess the powers and perform such duties as are conferred or imposed upon members of township committees by law, with such limitations or increase of powers and duties as are imposed or conferred by this act.

Duties of the mayor.

38. *And be it enacted*, That the mayor shall be the chief executive officer in the city of Paterson, and shall be and hereby is invested with all the powers which any police constable of said city is now, or may hereafter be invested with, and that the said mayor is hereby authorized, on witnessing any breach of the peace, forthwith to arrest and commit the offender for a hearing without issuing a warrant or process for that purpose; and that in case of any insurrection, riot, disturbance or disorderly assemblage, the mayor shall have the control of the constables and police force of the city, and the power to call upon the citizens for assistance, if necessary in any such case; and where, in his opinion, it shall be ne-

cessary, he may call out the military of said city, and employ them in quelling any such insurrection, riot or disturbance; the mayor shall nominate all policemen to the board of aldermen, to be by them confirmed by a majority vote of all the members concurring; and the said police shall hold office during good behavior; all complaints against policemen must be made by affidavit to the mayor, who shall have the right to suspend and lay the complaint, with the evidence, before the board of aldermen, or a committee by them appointed.

Claims against the city.

39. *And be it enacted*, That all claims must be presented to the clerk of the board of aldermen in writing, and filed by him, and a brief entry of the name of the claimant, number, nature and amount of the claim made by the clerk in a book kept by him for that purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column in which shall be entered after the date when it was allowed, and the amount if any, allowed thereon, the claim shall be audited and the amount allowed paid without unreasonable delay; in case the board of aldermen shall disallow any claim or allow but a part thereof, its decision shall be a bar to the claim disallowed on the part not allowed, unless an action shall be commenced against the city thereon, within six months from the time the same was audited

Powers and duties of other officers defined by ordinance.

40. *And be it enacted*, That all other officers of the city whose powers and duties are not prescribed by law or this act, shall possess such powers and perform such duties appertaining to their respective offices as the mayor and aldermen shall by ordinance, by-laws or regulations confer or impose.

Salaries and compensation of officers fixed by ordinance.

41. *And be it enacted*, That the board of aldermen shall have power to fix, by general ordinance, the pay, salary or compensation, not otherwise provided for by this act, of all officers both elected and appointed, and the salary or compensation of any officer which has once been fixed as aforesaid shall not be increased or diminished during his term of office.

May obtain temporary loans.

42. *And be it enacted*, That the mayor and aldermen may, and they are hereby empowered, for the better accomplishment of the purposes of this act, to obtain temporary loans in anticipation of taxes authorized to be assessed by this act, or any act authorizing city revenue.

43. *And be it enacted*, That the resignation of any person holding office, under the provisions of this act, may be made to the board of aldermen, and the said board may fill vacancies in any office provided for by this act for the remainder of the current year, except in the case of justices of the peace and aldermen. Resignations.

44. *And be it enacted*, That any officer, except the mayor, may be removed from office, for cause, by a resolution of the board of aldermen; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity of being heard in his own defence, nor unless two-thirds of all the members elected vote therefor; *provided, further*, that a majority vote will be sufficient to remove any police officer; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large on the journal of the board of aldermen. Removals. Proviso. Proviso.

TITLE IV.

RECORDER'S COURT.

45. *And be it enacted*, That the recorder shall be appointed by the board of aldermen on or before the third Monday in April succeeding the expiration of the term of the present incumbent, and on or before the third Monday in April in each succeeding third year, and shall hold his office for the term of three years, from and after the first day of May succeeding his appointment, and shall be commissioned in like manner as justices of the peace, in and for the several counties of this state are commissioned, and be answerable in like manner for the performance of the duties of his office as herein enjoined upon him, but the said recorder shall not, by virtue of his office, be authorized to try any civil actions, except such as may be brought to recover a penalty under the ordinances of the said city, in which case he may act as a justice of the peace in his civil capacity. Appointment of recorder.

46. *And be it enacted*, That the said recorder shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters, in all matters relating to cases of bastardy, and to the relief, removal and settlement of the poor, and in all cases of vagrancy and disorderly persons as any one or two justices of the peace are or may be by law en- His power in criminal matters, &c.

titled to use and exercise, and to hear, examine, try and determine the same, and to give judgment and carry the same into execution according to law, as such justice or justices might or could do.

His power in relation to enforcement of ordinances.

47. *And be it enacted*, That the said recorder is hereby empowered on oath or affirmation, made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue process in the corporate name of said city, either in the nature of a summons or warrant, as to the said recorder may seem most advisable against the person or persons so charged, which process when in the nature of a warrant shall be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than ten days from the service thereof; that such process shall state what ordinance the defendant or defendants is or charged with having violated, and when and in what manner the same has been violated, and that on the return of such process, or at the time to which the said recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony and to determine and give judgement in the matter without the filing of any pleadings; and if judgement for the plaintiffs be rendered to issue execution for the penalty and costs against the goods and chattels and person or persons of the defendant or defendants, whether feme covert or otherwise, and if judgment of imprisonment be given to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Passaic; and the keeper of the said jail is required to receive into his custody and keep in the same manner as other prisoners of the county of Passaic all persons committed to his charge by virtue of any execution or warrant of commitment issued by said recorder; and further, that upon the trial of any suit or action for a violation of any of said ordinances no person shall be deemed an incompetent witness or juror by reason of being an inhabitant of said city or owning property therein; *provided*, that if the board of aldermen shall at any time build a work-house in said city, the said recorder may then make out his warrant of commitment directed to the keeper of said work house instead of to the keeper of the county jail.

Proviso.

He may issue writs of subpœna.

48. *And be it enacted*, That the said recorder may, in all matters or cases pending before him in his said court, award

and issue writs of subpœna ad testificandum into any county of this state.

Penalties may be prescribed for violation of ordinances.

49. *And be it enacted*, That in all cases where, by the provisions of this act, the board of aldermen have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, by imprisonment not exceeding thirty days, or by fine not exceeding fifty dollars, to be recovered, with costs, before the recorder of said city, in the name of "the mayor and aldermen of the city of Paterson," as plaintiffs, for the use of said city; and the said board of aldermen may, by ordinance or ordinances, leave it discretionary with the said recorder whether he will impose the penalty by fine or imprisonment, and for the recovery of such penalties a feme covert may be proceeded against in the same manner and to the same extent as males or femes sole.

Persons imprisoned may be required to labor.

50. *And be it enacted*, That where sentence of imprisonment shall be passed upon any person for the violation of any ordinance of said city, such person or persons may be required to work not exceeding ten hours per day at any employment furnished and directed by the board of aldermen, for the use of said city, during the term of the sentence; and if any person sentenced to imprisonment and taken out to work shall escape from his custodian, he may be re-arrested, and shall then serve double the unexpired term; and if he shall again escape before the expiration of said double time, and be again arrested, it shall be lawful to keep the said person in close confinement during such unexpired double term; *provided*, that no person shall be taken out to work during the term of his first sentence by the said recorder. Proviso.

An appeal may be had in case of judgment for violation of ordinances.

51. *And be it enacted*, That every person against whom any judgment may be obtained before said recorder in said court for the violation of any of the ordinances of said city, shall have the right in common with the mayor and aldermen to appeal to the court of common pleas of the county of Passaic, in the same manner and upon the same terms and conditions as in the case of appeals taken from judgments rendered in the court for the trial of small causes in the state, and that the said court of common pleas shall have cognizance of, hear and determine such appeals, and give judgment, and issue execution in the same manner in all respects as upon appeals to said court from judgments rendered in the court for the trial of small causes; *provided, however*, that Proviso.

an appeal may be made in all cases to the board of aldermen for a remission of any penalty that may be imposed.

Recorder shall investigate fires.

52. *And be it enacted*, That it shall be the duty of the recorder whenever a fire shall occur in the city, to investigate the origin and cause of the same, and when he shall believe such fire to be the work of an incendiary, to cause the arrest of any suspected person or persons, and the said recorder shall have power in the prosecution of such investigation to cause all necessary evidence to be brought before him.

Duties of city marshal and police constables.

53. *And be it enacted*, That the city marshal and the police constables appointed or hereafter to be appointed, as by this act directed, shall be the ministerial officers of the said court, and in all cases, complaints or actions, brought, made or instituted or to be made, brought or instituted in the said court or before the said recorder whether of a criminal or civil nature, they shall have and perform the same duties, and possess the same powers in any county of the state, in all criminal complaints, and upon all proceeding therein, by any justice or the recorder of the city or other proper officer, court or tribunal, as constables elected for the county do or shall possess and perform in similar cases, and receive the same compensation as constables of the county of Passaic in like cases, or upon complaints made to and tried by justices of the peace of the said county, and upon actions brought in the court for the trial of small causes; *provided*, that no marshal or policeman shall receive any fees in the recorder's court who receives a stated salary from the city, unless the board of aldermen shall by ordinance allow them fees in certain cases to be therein named.

Proviso.

Recorder's court.

54. *And be it enacted*, That the board of aldermen shall, whenever necessary, procure a suitable room or place in said city, in which the recorder's court shall be held, or the said recorder may, with the assent of the board of aldermen, procure such place himself, and the said court shall always be considered open for the business thereof, except on Sundays; *provided*, that any person or persons arrested on a charge of violation of any ordinance or of vagrancy, and in custody on Sunday morning, if he, she or they shall choose to be tried immediately and without jury, may be tried on Sunday morning before eleven o'clock, and such proceedings shall be legal.

Proviso.

Board of aldermen shall provide station houses.

55. *And be it enacted*, That the board of aldermen shall from time to time provide and maintain a suitable station-

house or temporary prison, which shall and may be used by the public officers of said city, for the safe custody and detention of any person or persons arrested by them, until such persons can be conveniently taken before the proper court for a hearing of their respective cases, and if any person shall break therefrom or shall attempt to break therefrom, although no escape be actually made, and if any person shall convey or cause to be conveyed into said station-house any disguise or any instrument or arms, proper to facilitate the escape of any such person as aforesaid, with intent to aid or assist any person to escape, and any person who shall in any manner aid or assist any person to escape from such station-house, shall be liable to indictment and punishment as though the persons had broken out or attempted to break out, or aided or assisted any person in breaking out of the common jail of the county.

Vacancy in office of recorder, how filled

56. *And be it enacted*, That in case the office of recorder shall become vacant by death, resignation or otherwise, a successor shall be appointed by the board of aldermen to hold said office for the unexpired term of the former incumbent.

TITLE V.

FIRE DEPARTMENT.

Fire department under control of mayor and aldermen; their powers.

57. *And be it enacted*, That the fire department shall be under the control, management and supervision of the mayor and aldermen of the city of Paterson, and it shall be lawful for the said mayor and aldermen to purchase or lease from time to time, all necessary building lots, and to erect thereon such engine houses and other buildings as they may deem necessary for the use of the fire department of the city, to rebuild and repair engine houses which now do or shall hereafter belong to the city, to purchase, repair and keep in good order all such fire engines and other apparatus generally used for the extinguishing of fires, as they may think necessary for the use of the said fire department, and from time to time appropriate and raise such sum or sums of money as they may deem expedient to defray the expenses of the fire department of said city, at the same time and in the same manner as the other expenses of said city are raised.

May organize and enroll fire companies.

58. *And be it enacted*, That the board of aldermen shall have power to organize and enroll from among the residents

of said city above the age of twenty-one years, so many fire companies as they shall judge proper, pass such ordinances for the general regulation, management and government of said fire department, and their compensation, to define the time and manner of electing or appointing the officers and members thereof, and the removal from office or the department, and the filling of all vacancies.

City clerk shall keep a list of firemen.

59. *And be it enacted*, That it shall be the duty of the city clerk to keep a correct list of all firemen of each company in said city, and on or before the first Monday in July of each and every year to file in the clerk's office of the county of Passaic, a true copy of such list under the penalty of fifty dollars for every neglect, to be recovered for the use of the city in an action of debt in the recorder's court of said city, in the name of the mayor and aldermen of the city of Paterson.

Firemen serving seven years exempt from portion of tax and jury duty.

60. *And be it enacted*, That every person who shall have faithfully served as a fireman in the fire department of the city of Paterson for a less time than seven consecutive years, and who shall faithfully serve as such in the said fire department for so long a time thereafter, as shall make in the whole the term of seven years, and every person who shall faithfully serve as fireman in said fire department for the full term of seven years, to be proved by certificate, sealed with the corporate seal of the city of Paterson, and signed by the mayor and chief engineer of the fire department, shall during and forever thereafter such service be exempt from tax, not exceeding three dollars in each year, and be exempted from serving as a juryman in any court in this state; and every person having received a certificate as hereinbefore mentioned for having faithfully served the full term of seven years, shall be forever exempt from serving as a juror in any court in this state; *provided*, such person shall produce the said certificate before the clerk of the county of Passaic, who shall record the name of such person in a book called the list of exempt firemen, in alphabetical order, with the date of such entry, and shall certify the recording on the back of the said certificate; and the said clerk shall receive the sum of ten cents for recording such name from the person producing said certificate to have the name recorded.

Proviso.

TITLE VI.

EXCISE COMMISSIONERS.

Excise commissioners.

61. *And be it enacted*, That the board of aldermen shall after their reorganization in April, eighteen hundred and sixty-nine, elect three residents, citizens and voters of said city, who shall not all be of the same political party, as excise commissioners, who shall hold office for three years, commencing on the first Tuesday in May succeeding their appointment, said commissioners shall on their first appointment be appointed by the board of aldermen, as follows: one for three years, one for two years and one for one year; and the said board of aldermen shall, on or after the third Monday in April, and before the first Tuesday in May, in each succeeding year thereafter, elect by ballot, one commissioner of excise who shall hold his office for three years, subject to like restrictions and penalties as other charter officers of the city of Paterson, and said commissioners shall, before entering upon the duties of their office, subscribe to the same oath or affirmation as other officers of the city herein provided for, and be subject to like penalties for non-compliance.

Shall constitute a court of excise, with certain powers

62. *And be it enacted*, That said commissioners shall constitute a court of excise in and for the city of Paterson, and shall hold their courts on the second Tuesday in May, August, November and February in each year, and may adjourn from time to time; they shall have the sole and exclusive power to grant and revoke all licenses to keep inns, taverns, saloons, porter houses and restaurants in said city, subject to such provisions and rules and such schedule of prices as the mayor and aldermen may from time to time by ordinance prescribe or ordain.

Clerk of excise court.

63. *And be it enacted*, That the clerk of the city of Paterson shall be the clerk of the excise court of said city, and shall deliver all money which he receives for license, exclusive of his fees, to the treasurer of said city.

Ordinance regulating the subject.

64. *And be it enacted*, That it shall be lawful for the said mayor and aldermen to establish by ordinance such rules and regulations as they may from time to time deem necessary for the proper management of all places in which spirituous or malt liquors are sold, and compelling them to procure license for such traffic, also establish such penalties for the violating thereof as the said mayor and aldermen may by ordinance

Proviso.

prescribe or ordain; *provided*, that said persons may still be liable to indictment for any violation of any law concerning inns and taverns.

Fees for license.

65. *And be it enacted*, That it shall be lawful for the said court and clerk to receive from each applicant for license the following fees, and no other, to wit: the court, for every petition presented, the sum of three dollars, and for every recognizance taken, the sum of three dollars; the clerk, for drawing, entering and filing such recognizance, drawing the license and annexing thereto the seal of said court, and making entry of each application and of such license being granted, the sum of two dollars; and neither of the commissioners nor the clerk shall, directly or indirectly, receive any other fees from any applicant for license, under a penalty of one hundred dollars, to be recovered in an action of debt, in the name of and for the use of the mayor and aldermen of said city.

Excise court must be satisfied before granting licenses that the applicant is of good repute.

66. *And be it enacted*, That the court shall, before they grant a license to keep an inn, tavern, porter house or restaurant, be satisfied from personal inspection or inquiry that the applicant is of good repute for honesty and sobriety; and all persons licensed by said court shall be entitled to the privileges and subject to the restrictions and penalties specified in the ordinance made and provided by the mayor and aldermen concerning the same; and all moneys collected for license shall be appropriated towards the pay of the police force of said city, a part of whose duty it shall be to see that no persons sell any spirituous or malt liquors within the limits of said city without being duly licensed.

License revoked for cause.

67. *And be it enacted*, That when any person so licensed as aforesaid shall allow, suffer, or permit any cock fighting or playing with cards or dice or gaming table in his or her inn or tavern, porter house or restaurant, tenement, outhouse, yard or garden belonging thereto or therein, or permit any kind of gaming by lot or chance, the license granted to such person may be revoked therefor by such commissioners.

Complaint under oath must be tried.

68. *And be it enacted*, That when any complaint under oath shall be made to said commissioners that any person so licensed allows, suffers or permits any cock fighting, playing with cards or dice or gaming table, by lot or chance, in his or her inn, tavern, saloon, porter house or restaurant, tenement, outhouse, yard or garden belonging thereto, the said commissioners may subpœna and bring before them such

persons as they may deem necessary, and examine such persons under oath touching such complaint, and upon finding any persons so licensed as aforesaid guilty of any such offence, such license may be revoked.

Commissioners may administer oaths

69. *And be it enacted*, That the said commissioners may, and hereby are empowered to administer any oaths or affirmations to all such persons making any such complaint, or examined before them touching any such complaints; and if any person shall wilfully and corruptly swear or affirm falsely in or by any such oath, affirmation or affidavit made or taken in pursuance of the preceding section, such person shall be deemed guilty of perjury, and punished accordingly.

TITLE VII.

ASSESSMENT AND COLLECTION OF TAXES.

Collection and raising of tax.

70. *And be it enacted*, That it shall be lawful for the mayor and aldermen of the city of Paterson to order the raising, and cause to be raised by tax in each year, such sum or sums of money as they shall deem expedient for defraying the expenses of said city, and for all other objects and purposes authorized by this act for the payment of all the legal debts and liabilities of said city, which taxes, when collected, shall be paid to the treasurer of said city, and be subject to the order of the mayor and aldermen; that no person, persons or body corporate shall have the right to appeal by certiorari or otherwise from any assessments for taxes, to any court, unless he, she or they shall have first made application to the commissioners of appeal of the city of Paterson for a revision or reduction thereof.

Certiorari, when allowed.

School fund.

71. *And be it enacted*, That the said city shall be entitled to its just quota of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quota of the townships of this state are now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of said city, according to the provisions of this act.

Duties of the assessors and collectors.

72. *And be it enacted*, That the assessors of the several wards of said city shall assess upon persons and property within said city, and the collector of revenue of said city shall collect the state and county taxes by law directed or required to be assessed and collected within said city, and

also the taxes required to be assessed and collected for the use of the said city, in the same manner except as herein altered, and within the same time as the assessors and collectors of the township of Paterson were required by law to assess and collect the state and county taxes in the said township.

How assessments shall be made.

73. *And be it enacted*, That the said assessors of said city in making the assessments so prescribed by law, are hereby directed and required to make their assessments on the lands, tenements and real estate of the said city as nearly as may be in accordance with the atlas maps made by the board of aldermen for that purpose.

Poll tax.

74. *And be it enacted*, That the poll tax shall be levied and assessed upon each person liable to such tax in the ward where he resides at the time of the making of such assessments, and the taxes levied and assessed under this or any other act in said city, shall be collected in the manner provided by law.

Assessment to be made upon a full and fair valuation of property.

75. *And be it enacted*, That all taxes hereafter to be assessed and raised in the city of Paterson as provided for in this act over and above the amount to be raised by a poll-tax, shall be assessed and raised by such a per centum upon all real estate and chattels situate in said city, both of residents and non-residents, by valuing the same at the true, full and fair value thereof, as shall be necessary to make the amount required for such taxes, and not otherwise; and the assessors shall designate in their assessments the numbers or general description of lots or parcels of land, and where adjoining lots are about of equal value belonging to the same owner or owners, or owner unknown, they shall be entered on the assessment in one entry or name, naming the number of each of the lots and value of each lot before carrying it out in total; and if the name of any person shall be on any duplicate of assessment who is not liable to said tax, and the commissioners of appeal shall deduct or remit the whole of said tax, the assessors shall not receive any pay for assessing the same; they shall also designate the value of all chattels which they assess to each person or party; the word inhabitant, above, shall be construed to include bodies corporate and politic, and the word chattels shall be held to include all personal estate taxable by law; and all real estate and personal shall be assessed at its full and fair value in the ward where found without any deductions for mortgages thereupon;

and all mortgages upon real or personal property within said city shall be exempt from taxation in the hands of any inhabitant of this state; and in the amount so required to be raised for taxes shall be included the fees for assessing and collecting the same, and a reasonable allowance for losses from delinquents.

Board of assessors, and its duties.

76. *And be it enacted*, That the assessors of the several wards of the city of Paterson shall meet on the first Monday in July in each year, and when so met, they shall constitute a board of assessors for the said city, and may adjourn from time to time; and it shall be their duty as such board of assessors, to review the several assessments made by the respective assessors of the several wards of the city, and to diminish, increase or alter any such assessments, in order that the assessments on the property, whether real or personal, in the several wards of said city may be made as just and as nearly equal as possible, which assessments so revised and approved by the said board, shall be the assessments for the several wards of the city of Paterson, subject, however, as heretofore to the action of the commissioners of appeal in cases of taxation; *and provided also*, that no assessment made by any assessor of any ward of said city shall be diminished, increased or altered, except by the vote of a majority of said board of assessors.

Proviso.

Meetings of commissioners of appeal.

77. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet on the second Tuesday of September in each year, at such place in said city as the board of aldermen shall designate, through the clerk, and upon the same notice given as was by law required for the meeting of the like officers of the township of Paterson; and when so met, they shall have full power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for the use of the state, county or city, in the same manner as the like officers of the township of Paterson were authorized and required to do; and it shall be the duty of the several assessors to attend at the same time and place before the said commissioners, and to offer such reasons as they may think proper in support of the assessment or assessments appealed from, and any person may call the said commissioners together at any time within two months after said day, to hear and determine complaints as aforesaid; and in such cases, if no deduction is made in the assessment complained of, the party appealing shall pay all fees incurred, and in

case he shall fail to pay such fees forthwith, the amount thereof shall be added to his taxes, and be collected with the same; and no certiorari to remove any assessment shall be allowed, unless application for relief shall have been first made to the commissioners of appeal and been disallowed, and said commissioners may in all cases subpœna and examine witnesses touching any matter of appeal pending before them.

Collector of revenue, and his duties.

78. *And be it enacted*, That the board of aldermen shall, and they are hereby authorized to appoint a collector of revenue for said city, whose term of office shall commence on or before the third Monday in June next, who shall hold his office for the term of three years, and until his successor is duly qualified; it shall be the duty of said collector to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes or otherwise, and he shall do and perform all the duties which the said board of aldermen may by ordinance, prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the said city, and at the end of each current year the proceedings, or a copy thereof shall be filed in the office of the city clerk, and the said collector of revenue shall pay over all moneys received by him for the city, at least once in each and every fortnight to the treasurer of said city, who shall in turn pay over to the collector of the county of Passaic, on or before the twentieth of December in each year, the full quota of taxes required by law to be raised in said city for state and county purposes, and it shall be the duty of the collector of revenue to give a full return and statement on or before the second Monday in May in each year, for each of the wards of the city of Paterson, to the board of aldermen of said city of the taxes upon his books remaining unpaid on the first day of May in each year, and on or before the first Monday in July the board of aldermen shall issue an order to the said collector, signed by the mayor and clerk, and bearing the seal of said city to go on and sell as provided for in this act in cases of delinquent taxes, and further the said collector of revenue in advertising said sale of land or real estate, shall describe said land or real estate by giving the number of the lot or lots, and the name of the owner if known, and if unknown then it shall be so stated, or such other short description as may be necessary to identify the said lands or real estate.

79. *And be it enacted*, That the collector of revenue shall

not be required to demand the said taxes or serve the notices required by the eleventh or one hundred and tenth section concerning taxes, but he shall within ten days of the time of receiving the duplicates of assessment from the different ward assessors, put up not less than ten public notices in each of the wards of the said city of Paterson, stating therein that the said taxes are now due and payable to him, when and where he will receive the same, and when the interest will be added to all taxes remaining unpaid, and in which notice shall also be given of the time and place of the meeting of the commissioners of appeal in cases of taxation. Proceedings by collector of revenue.

80. *And be it enacted*, That the taxes on the first day of May next, due for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, shall be reported by the collector of arrears of taxes on or before the second Monday in May next, and the board of aldermen shall, and they are hereby authorized on or before the first Monday in July, to issue an order to the collector of revenue, to go on and sell as herein ordered in cases of delinquent taxes. Further proceedings

81. *And be it enacted*, That the collector of revenue shall add five per centum to the whole amount of all taxes remaining unpaid on the fifteenth day of October of each year; and he shall, on the first day of December in each year, add an additional five per centum to all taxes then remaining on his books unpaid, and an additional five per centum to all taxes remaining unpaid on the first day of February thereafter, making in all fifteen per centum additional on all taxes unpaid on said first day of February, as a penalty for non-payment, and said fifteen per centum shall be, and is hereby declared a part of the annual taxes of said city, and shall become and remain a lien on all property, real and personal, and shall be collected in the manner prescribed for the collection of taxes in this act. Additions to unpaid taxes.

82. *And be it enacted*, That the said collector of revenue shall, on and after the fifteenth day of October in each and every year, without any return or warrant, have all the power and perform all the duties required of the collector of arrears of taxes, according to the eighteenth section of the act entitled "An Act concerning Taxes," revision approved April fourteenth, eighteen hundred and forty-six. Powers of collector of revenue.

83. *And be it enacted*, That the collector of revenue for the city of Paterson be and he is hereby authorized and em- Collector of revenue may appoint deputies.

powered to appoint one or more deputy or deputies, who shall have power to do all and every act or acts which shall or may be lawful for the said collector of revenue to do, and every warrant or order directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of revenue, and in consideration of and for the performance of the said duties herein prescribed the said collector of revenue shall as compensation receive the sum of two per centum of all moneys collected by him for said city and he shall receive no other salary, pay or remuneration for himself or his deputies except for sales in cases of delinquent taxes; and it shall and may be lawful for the board of aldermen of said city, before said collector of revenue enters upon the duties of his office, to demand and receive from him a bond signed by at least five freeholders of said city in the penal sum of seventy-five thousand dollars.

Assessors shall deliver duplicate of assessment.

84. *And be it enacted*, That the assessors of the several wards shall severally, within fifteen days after the time appointed by law for delivering to the collector the duplicate of assessments, deliver to the clerk of said city a true copy, under oath, of the duplicate of assessments delivered by him to said collector, for which service they shall each receive one and one-half cents per name on said duplicate, which copy shall be and remain the property of said city and be preserved by the city clerk; and if such assessor shall neglect or refuse to comply herewith he shall forfeit and pay to said city the sum of fifty dollars, to be sued for in an action of debt and recovered for the said city, with costs, before the recorder thereof, and said assessors shall receive in payment for their services in assessing the state, county, city and poll tax the sum of fifteen cents for each name so assessed.

Taxes a lien on lands.

85. *And be it enacted*, That any assessment of taxes hereafter made in said city against any person or persons on account of any lands, tenements, hereditaments or real estate of such persons or person or body corporate, shall be and remain a lien on all lands, tenements, hereditaments or real estate, on account of which said assessments shall be made as aforesaid, with the lawful interest thereon accruing, and all costs and fees in relation to said assessments and collection thereon, for the space of five years from the time when the taxes so as aforesaid assessed were payable.

86. *And be it enacted*, That it shall be the duty of the col-

lector, or one of his deputies, to whom such order shall be directed as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, hereditaments or real estate under this act, by advertisement, signed by the collector, and inserted in a newspaper printed and published in said county, for at least six weeks, once in each week, before the time appointed for such sale, and also set up for the same period in ten of the most public places in said city; *provided, however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole. Proceedings in relation to sale of lands. Proviso.

87. *And be it enacted*, That it shall and may be lawful for the said collector to whom such order shall be directed at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, tenements, hereditaments or real estate, as may be set forth in said order or any part thereof, to such persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses, and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal, which deed shall recite the terms upon which and by whom, if known, such property may be redeemed; and such person or persons, and his, her or their legal representatives shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments or real estate during the term for which he, she or they shall have purchased the same, for his, her or their own proper use and benefit against the owner or owners thereof; and all and every person or persons claiming under him, her or them until said term shall be fully completed and ended, unless redeemed as hereinafter mentioned, and shall be at liberty at or before the expiration of said term to remove any building or buildings, and any material erected and placed by him, her or them thereon, and when said term shall have been ended, shall quietly and peaceably yield up the same to the lawful owner or owners thereof, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and the elements excepted. Collector may sell lands. Shall give deed therefor.

88. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in

Owner, &c., may redeem the same within one year.

any lands or real estate sold for taxes as aforesaid may redeem the same at any time within one year from the time of such sale by paying to the said purchaser, his executors, administrators or assigns, the amount so by him paid for the same, together with the amount paid for any fences erected, constructed or made thereon with twelve per centum interest, and thereupon the said owner, mortgagee or occupant aforesaid, as the case may be, shall be entitled to re-enter and repossess the said lands and real estate in the same manner to all intents as if such sale had not been made.

Assessment valid notwithstanding mistake in name of owner.

89. *And be it enacted*, That notwithstanding any mistake in the name or names or omission to name the real owner or owners of any lands, tenements, hereditaments or real estate in the various wards in said city in assessing the taxes on account thereof as aforesaid, such assessment shall be valid and effectual in law against said lands, tenements, hereditaments or real estate, and the same may be proceeded against and sold in the manner prescribed herein.

Compensation of collector.

90. *And be it enacted*, That the collector to whom such order as aforesaid shall be directed shall be entitled to receive the sum of one dollar for executing the same, and in addition thereto two cents on each dollar by him collected and paid over to the mayor and aldermen, and for advertising the sale of any lands, tenements or hereditaments or real estate for each delinquent the same fees which the sheriff of the county is entitled to for the like services, and for a deed to the purchaser the sum of two dollars.

Upon tender of payment by owner purchaser shall execute deed.

91. *And be it enacted*, That the tender of payment by the owner, mortgagee, occupant, judgment creditor, or any person having a legal or equitable interest in any lands sold for taxes in the city of Paterson, his, her or their agent or attorney at law in this state, acting in his, her or their behalf, of the sum of money and costs of sale at such tax sale upon the lands sought to be redeemed with the sum provided in said act for the deed, together with twelve per centum interest thereon; it shall be the duty of the holder or purchaser of such tax title, his, her or their assignee or assignees, to execute to the owner, at his request, or upon the request of the mortgagee, occupant, judgment creditor, or any person having a legal or equitable interest in such lands, his, her or their agent or attorney as aforesaid, in behalf of the person or persons having the legal title to such land, a good and sufficient deed, duly signed, sealed and acknowledged,

and delivered and sufficient in law to pass real estate of the term of years of the estate sought to be released from such tax sale; *provided, however*, that the expense of drawing such deed and acknowledgment of the same not exceeding two dollars, shall be paid by the party or parties applying for such release, their agent or attorney, together with twelve per centum interest on the amount paid for such lands at the tax sale, and also that the tender of payment as aforesaid, shall be made within twelve months from the date of the deed of such sale. Proviso.

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

93. *And be it enacted*, That the clerk of said county shall, upon the filing of such affidavit and deposit of money as aforesaid with him, write across the record of such tax deed in the usual manner of cancelling mortgages, in the words following, to wit: "this tax title is defeated and cancelled of record and set aside by deposit of ——— dollars and ——— cents;" and shall be signed by the clerk of said county for the time, and thereupon any person so redeeming said land, his agent or attorney, or any person for him, her or them, may enter into, possess and enjoy the land so re- Further proceedings.

deemed as fully to all intents and purposes as though no such tax sale had been made.

When owner of tax title encloses with other lands he shall not receive compensation for fence, but may remove it.

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

Fees of county clerk.

95. *And be it enacted*, That the clerk of said county, for the services designated in this act, shall be entitled to receive the following fees, and no more, to wit: for search for such sale and record thereof, fifty cents; filing affidavit, ten cents; receiving and paying deposit tender, fifty cents; for entering cancellation, twenty-five cents; and the same shall be deducted from the sum of money so deposited with him, and the remainder paid to the person or persons entitled to receive the same.

City may purchase lands at sale.

96. *And be it enacted*, That whenever any lands or real estate be offered for sale by virtue of the provisions of this act, or any previous act in relation to the city of Paterson, and it shall happen that no person bids for the same, it shall be struck off to the city of Paterson for the term of fifty years, that if the city becomes the purchaser of any lands and real estate upon any such sale, they shall receive a certificate of sale for said lands and real estate from the collector of revenue, and which certificate of sale shall be assignable; and all the provisions of said act in relation to such sale shall apply to the city as to any other purchasers.

Clerk shall keep record of sales.

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

TITLE VIII.

STREETS.

General powers.

98. *And be it enacted*, That it shall be lawful for the board of aldermen of the city of Paterson, whenever in their opinion the public good requires it, by ordinance:

To lay out and open streets, &c.

I. To lay out and open any street, road, highway or alley, within said city; to order and cause any street, road, highway or alley already laid out, to be vacated, straightened, altered or widened; and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

To grade and pave streets.

II. To order and cause any street, or section of a street, to be graded, graveled, paved, flagged, macadamized or otherwise improved or regulated in such manner as they may deem advisable, under the supervision of the superintendent of streets, at the expense of the owners of lands and real estate on the line of said street, or section of a street, and at the expense of the property benefited thereby.

Notice of public improvement must be given.

99. *And be it enacted*, That no ordinance shall be introduced or presented to the board of aldermen for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act, or either of the subdivisions thereof, unless public notice shall have been given of such intended improvement and work, by the board of aldermen, and to that end it shall be the duty of the city clerk to have said notice published in two daily newspapers printed and published in the city of Paterson, of such intended improvement and work, briefly describing in said notice said improvement and work, and requesting all persons objecting to the same to present their objections in writing to the board of aldermen or to the city clerk, on or before the expiration of ten days from the date of such notice; *provided*, no such ordinance as aforesaid shall be passed by the board of aldermen, unless by a vote of three-fifths of the members elected for the time being, unless a majority of the owners of lands and real estate fronting upon such street or section of a street, road, highway, or alley so proposed to be opened, graded, gravelled, paved, flagged, macadamized, improved or regulated, shall sign a petition

Proviso.

therefor, and file the same with the city clerk, then the same may be passed by a majority vote.

Repairs in carriage ways of streets.

100. *And be it enacted*, That the board of aldermen may by resolution passed at any meeting, direct any repairs in the carriageways of any street, road or avenue within said city, whenever they shall deem such repairs necessary, and the expense thereof shall be paid by the board of aldermen out of the moneys raised by tax for repairs of streets; and

Repairs to sidewalks made by owners of lands, &c.

that all repairs to sidewalks shall be made by the owner or owners of the land in front of which any such repairs shall be necessary, upon the written notice of the street superintendent to them, and if any owner or owners shall be non-residents of or cannot be found in said city, or unknown, it shall be sufficient for the street superintendent to set up such notice upon or near the lot or lands in front of which the sidewalk may require to be repaired or relaid, and if the same shall not be repaired within ten days from the time of serving or setting up of said notice, then it shall be lawful for the board of aldermen by resolution to direct the street superintendent to have the same done and repaired; the costs, charges and expenses for repairing as aforesaid, shall be charged upon the lands in front of which said repairs shall be made, and shall be and remain a lien thereon, and may be

Proviso.

collected the same as taxes are; *provided*, that all sidewalks in the city which are or shall be paved to the full width with good substantial blue flagging, shall be kept in good order and repair by and at the expense of the city.

May permit a building to remain on line of street.

101. *And be it enacted*, That the board of aldermen may permit any building which shall be either partly or wholly on and within the lines of any street, avenue or highway, which may be opened to remain unremoved for such time as they may think proper and necessary.

Establishment of grades.

102. *And be it enacted*, That the grade of any street, road, avenue or highway, when established in accordance with an ordinance for that purpose, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon an application to said board of aldermen by at least three-fourths of the owners of the lands and real estate affected thereby, nor without paying to the owner or owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage, which shall be ascertained and determined by the commissioners making

Proviso.

such assessment; *provided*, that the board of aldermen may,

without application, change the grade of any street or part of a street, by ordinance passed by three-fourths of all its members voting in favor thereof, and that the costs and expenses of establishing and authenticating such grade shall be paid by the city, and one-half thereof shall be assessed upon the land fronting on said street, road, avenue or highway on which, or on part of which such grade shall be established and authenticated, and upon such other land as the said commissioners shall consider benefited thereby, and in proportion to any benefit, and the same shall be and remain a lien thereon and the payment thereof enforced in the same manner and to the same extent as other assessments in this act; *provided*, that the like advertisement or notice be given and made as required. Proviso.

When a street is to be opened the board of aldermen may purchase, and make compensation to owners of land.

103. *And be it enacted*, That whenever the board of aldermen shall determine to lay out and open any street, road, highway or alley within said city, or to alter, widen or straighten any street, road, highway or alley, or make any sewer or drain in any part of said city, and to take and appropriate for such purpose or purposes any lands and real estate, they are hereby authorized to treat with the owner or owners of such land and real estate for the same, and may purchase the same and make such compensation therefor as they shall judge reasonable, and shall thereupon receive from such owner or owners a conveyance of such lands and real estate to the city, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of this act.

Proceedings when board propose to open streets, &c.

104. *And be it enacted*, That when any application shall be made for the opening, altering or widening any street, highway or alley, or when the board of aldermen shall propose to open, alter or widen any street, highway or alley in said city, the board of aldermen shall appoint a time and place when and where persons interested therein may be heard before them, or the appropriate committee, on the merits thereof, and shall give notice of such application or proposition, and the time and place of hearing, in two of the newspapers printed and published in the city of Paterson for twenty days before such time of hearing; and if the board of aldermen shall thereafter determine to open, alter or widen such street, highway or alley, they shall, after determining and defining the precise improvements to be made, appoint

three judicious, disinterested freeholders, residents of said city, commissioners (no two of whom shall be residents of the same ward), who shall determine what lands and real estate will be benefited by said improvements, and shall estimate the whole cost of said improvement according to the best of their judgment, and shall cause a survey and map thereof to be made, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by number on such map, and shall assess such estimated costs, including the proceedings of the commissioners, maps and returns, upon such lands to be benefited thereby, in proportion to the benefit to be done to the residue of any lot or parcel, of which a part may be taken for such improvements, and the erections thereon, and the damages aforesaid, if any, by taking the same, and shall report to whom said lands so taken belongs, and the interest and estate of the several owners in the same, if known, as far as practicable, and shall deposit said report and map with the city clerk within forty-five days after their appointment; whereupon the city clerk shall, within ten days after the same shall be deposited with him as aforesaid, give notice in two of the newspapers printed and published in the city of Paterson, and shall continue the same therein for two weeks, that such report has been deposited as aforesaid, and also of the time and place, when and where the parties interested therein may present their objections in writing before the board of aldermen, or a committee thereof; and the board of aldermen shall refer said report to a committee of three members of said board for consideration; and in case any objection in writing shall be made, the said committee shall examine the matters, and report to the board of aldermen, and return the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Vacancies, how filled.

105. *And be it enacted*, That in case of the resignation, death, removal from the city, or refusal of any of the commissioners appointed under the provisions of this act, it shall be lawful for the board of aldermen to supply, by appointment, the vacancy or vacancies so made.

Proceedings after report of committee is received.

106. *And be it enacted*, That after the committee shall have made to the board of aldermen the report required to be made as aforesaid, the board of aldermen shall thereupon examine the matter, and may correct said report and assess

ment, if they deem right and proper, and ratify the same, from which no appeal shall be taken, which report upon being duly ratified by the board of aldermen and filed with the city clerk, shall be final and conclusive, unless in twenty days after the filing of said report three-fourths of the owners of lands to be assessed for such improvements shall file with the city clerk a remonstrance signed by them or their agents lawfully authorized; and if such remonstrance shall be filed as aforesaid, the board of aldermen shall proceed no further in such improvement so remonstrated against within that year, nor under the same proceeding; and all costs and expenses incurred by the board of aldermen in such proceeding shall be repaid to the city by the petitioners for such improvement, unless two-thirds of the members of the board of aldermen elected shall vote in favor thereof; and the board of aldermen may make such regulations touching the receiving and proceeding upon such petitions, and security for the expenses thereof, as they may deem proper; and if no such remonstrance be filed, or if two-thirds of the members of the board of aldermen elected shall vote in favor thereof, the amount reported by said commissioners and ratified or amended by said board as the value of any lands and buildings to be taken, and the damages for the same shall be the amount to be paid by the mayor and aldermen to the respective owners of said lands; and the expenses of said improvement, when completed with all interest and costs of the proceedings, shall be assessed upon the property reported by the said commissioners, as benefited thereby, and in the proportion reported by them; if the owner of any lands so taken shall file a remonstrance against any such improvement, which he is hereby authorized to do, and is dissatisfied with such assessment, he may apply to the justices of the supreme court at the term of said court held next after the end of twenty days from the expiration of the time limited for filing a remonstrance, as above provided, giving ten days notice of such application to the city clerk, or in his absence to the mayor, and the justices of the supreme court or a majority of them at said term, upon petition by such person or persons so remonstrating, or any of them, setting forth the causes of his, her or their complaint, shall appoint three disinterested persons commissioners, who shall be the same persons in all applications regarding the same improvement; and such commissioners shall meet on ten days' notice given by

Three-fourths of owners of land may prevent improvement.

Proceedings if report of commissioners is ratified.

Expenses shall be assessed upon property

Dissatisfied owners may appeal, and proceedings thereon.

any of said persons so applying, to each of the others or to his or their attorney or attorneys if residing in the city, and to the city clerk, and shall proceed to examine the premises, with power to send for persons and papers, to swear witnesses and to compel their attendance by process of subpœna, to issue out of the supreme court and shall review the proceedings of the said commissioners appointed by the board of aldermen, so far only as the petition of the applicants to the justices of the supreme court is concerned, and shall report in writing under their hands to the board of aldermen, their estimate of the value of such lands and buildings taken, and damages, and their assessment of such expenses on lands benefited, which report shall be filed by the city clerk, and shall be conclusive on all parties; and the costs of their appointment, and of the proceedings of said commissioners shall, in case their report is more favorable to the applicant or applicants than that of the first commissioners, be paid by the city and added to the expenses of the improvement; and in case such report is not favorable to any applicant or applicants than the first report, then the said applicant or applicants shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum to be paid to him, (if any,) or be assessed upon his property by the board of aldermen, and shall become a lien thereon, and be collected therefrom in the same manner as the assessment for any improvement authorized by this act; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall in their report apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant or his legal representatives shall at the termination of his estate, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may by bill in chancery have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have priority of all other encumbrances, and all such assessments so made on any lot as aforesaid, shall be and remain a lien

Commissioners shall apportion assessment and damages to tenant for life and reversioner.

thereon until paid or otherwise satisfied; and the amount assessed shall be raised by the board of aldermen by a sale of the property so assessed in the same manner in all respects as is provided in this act for opening, widening or altering streets.

Board of aldermen shall finally determine cost and assessment.

107. *And be it enacted*, That after such improvement shall be completed, all the costs and expenses of making the same shall be reported to and settled by the board of aldermen, and the proportion of each lot or parcel of land designated on the original assessment map, shall be fixed and settled by a resolution of the board of aldermen according to the provisions of this act, which resolution shall be recorded by the city clerk in a book kept for that purpose to be called the assessment book, and shall be signed by the mayor and city clerk, which book or a transcript thereof, certified by the clerk, under the city seal, shall be conclusive evidence of such assessment.

Proceedings in paying of damages and acquiring lands.

108. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands or buildings taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if a resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a receipt therefor when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the board of aldermen shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank for the use of the person to whom the same may be due; and upon filing such receipt of the owner or the passing of such resolution by the board of aldermen, the said lands shall be vested in the city, and the city officers may proceed with such improvement; and the said moneys so deposited shall be paid by the city to the person entitled thereto on demand, without interest, except from such time as a demand may be made and payment refused.

Assessments illegally made may be set aside on certiorari.

109. *And be it enacted*, That any assessment or estimate of value or damages made by any commissioners under this act that may be made upon principles contrary to law and to the provisions of this act may be reviewed and for such cause

set aside by the supreme court upon certiorari, and the said court shall in the case of setting aside any such assessment or valuation appoint new commissioners to examine into and report anew as to the part set aside; and for the purpose of such examination the supreme court may require by rule the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose, and the city in case of reversal shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

Commissioners of assessment. oath and compensation.

110. *And be it enacted*, That all commissioners of assessment appointed by or under this act shall, before they proceed to the duties of their appointment, subscribe and take an oath before some person lawfully authorized to administer oaths, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the board of aldermen shall by general ordinance fix and ordain.

May borrow money in anticipation of collection of assessments.

111. *And be it enacted*, That in cases where the board of aldermen are authorized to make or levy an assessment for any of the said improvements mentioned in section one hundred and two they shall be authorized to borrow the amount necessary to pay any such assessment in anticipation of the collection thereof.

All contracts to be given to the lowest bidder.

112. *And be it enacted*, That all contracts for doing the work or furnishing the materials for the improvements provided for in this act shall at all times be given to the lowest bidder, he or they giving ample security for doing the same according to contract; and all contracts which shall have been drawn for the completion of any work or for the furnishing of any materials, shall be read before the board of aldermen, and if approved by the said board the same shall be sent to the mayor for his signature, and when duly signed shall be entered in the contract book; no party shall be allowed to enter upon any work or furnish any material until the said contract is signed by the contracting parties with two satisfactory securities; the board of aldermen shall be under no obligation to accept the lowest bid, but may reject all bids if they shall deem it for the interest of the city so to do, and advertise for new proposals.

Lawful to deduct out of assessment damages any amount due for unpaid assessments.

113. *And be it enacted*, That it shall be lawful for the board of aldermen to pay (and deduct and retain accordingly) out of the amount of any assessment which by the one hun-

dred and second section of this act they are directed to cause to be placed either in the city treasury, or in some safe bank, for the use of the person to whom the same may be due, the amount of any unpaid assessment for benefits or in respect of any improvements which under this act may be assessed against and be payable by such person or persons, if the amount of damages shall be sufficient therefor, and if the same shall not be sufficient for the payment thereof, then it shall be lawful for the board of aldermen to apply such amount of damages in part payment thereof, and the balance of such assessment shall be collectable by the same means and proceedings provided in this act for collecting assessments for improvements; and if the amount of damages shall exceed the amount of the assessment for improvement, the board of aldermen shall direct the excess to be placed in the city treasury, or in some safe bank, for the use of the person or persons entitled thereto, on demand, without interest, except from such time as the demand thereof may be made and payment refused; *provided always*, that it shall and may be lawful for the said board of aldermen to apply such excess or such part thereof as may be necessary for the purpose, to any other or future assessment for improvement under this act, which may become due from the person or persons entitled to such excess before the making of such demand. Proviso.

Assessments valid notwithstanding mistake or omission in name.

114. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners, or omissions to name the real owner or owners of any lands or real estate or chattels in the said city in assessing the taxes thereon, or in assessing the land and real estate for any street improvement authorized by this act or any supplement hereafter to be passed, such assessment shall be valid and effectual in law against such land or real estate or chattels and the same may be proceeded against and sold, in the manner prescribed in this act, with the same effect as though such assessment had been made in the name of the true owner or owners thereof, and this shall be held to apply to any assessment heretofore made for any street improvement; *provided*, that in the advertisement of sale of land and real estate for said improvement the name or names of the true owner or owners shall be made to appear if discovered at the time of the first advertising. Proviso.

115. *And be it enacted*, That wherever proceedings shall

Damages shall not be awarded for buildings erected after filing maps of city.

be taken for the opening or widening of any street, avenue, road or highway it shall not be lawful for the board of aldermen or for the commissioners appointed to make an estimate and assessment of the damages which any owner or owners of any lands and real estate will sustain by the opening or widening of any such street, avenue, road or highway, to allow any sum or compensation whatsoever for any building or buildings or improvements of any kind or description which may at any time after the filing of the aforesaid map or maps of the city have been built, placed, erected or made, in whole or in part, on such street, avenue, road or highway; but compensation and recompense shall be made to the owner or owners thereof and the persons interested therein for all buildings and improvements built, placed, erected and made, wholly or in part, upon any street, avenue, road or highway so to be opened at any time before the filing of the said map or maps.

Time and manner of grading and paving sidewalks.

116. *And be it enacted*, That the board of alderman are hereby authorized to prescribe by ordinance the manner in which the side-walks shall be leveled, graded, curbed, paved, flagged or gravelled, by and at the expense of the owners or occupants of lots fronting or adjoining said street or streets; and the said ordinance shall prescribe the time within which the said work shall be done, which time shall not be less than thirty days nor more than four months from the passage or adoption thereof.

Proceedings when owners shall neglect to grade or pave sidewalks.

117. *And be it enacted*, That if any lot in front whereof the sidewalk shall by such ordinance be directed to be leveled, graded, curbed, paved, flagged or gravelled, and the owner or owners thereof shall neglect to comply with such ordinance within the time therein required and specified, it shall be lawful for the board of aldermen to cause said work to be done and an estimate of the expense of conforming to such ordinance with respect to such lot to be made, assessed and certified by three impartial assessors, to be appointed by the board of aldermen; and if the same be approved by the board of aldermen they shall cause an advertisement to be inserted in two newspapers printed and published in the city of Paterson, for one month, stating the amount of such assessment and requiring the owner or owners of said lots to pay the same, with the costs and charges thereof, with interest thereon, to the collector of revenue of said city, appointing a day and a place when and where said lot will be

sold at public auction, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum so assessed, with costs and charges, including the advertisement thereof and interest thereon at the rate of seven per centum per annum; it shall be lawful for the said board of aldermen to cause said lot to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in said advertisement; *provided*, such sale may be adjourned from time to time, not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city, signed by the mayor; and such purchaser, his executors, administrators and 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 and all claiming under him or them, until his term therein shall be fully completed and ended, and shall be at liberty to remove all buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot at the expiration of the said term in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance; *provided always*, if the owner or owners, mortgagee or mortgagees of said lot shall, within one year after such sale thereof, pay to the purchaser, his executors, administrators or assigns, the amount of money, including taxes or other assessments so by him or them paid to the city, with twelve per centum interest thereon, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to re-enter and repossess the said lot, in the same manner to all intents as if such sale had not been made.

Proviso.

Proviso.

118. *And be it enacted*, That whenever any street, or part of a street, occupied or used by the track of any railroad company shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening thereof shall have been taken, it shall be lawful for the commissioners appointed by the board of aldermen, to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby, or in their discretion, to assess the whole or such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track, as to them shall seem equitable and just;

May make assessment of benefits on railroad corporations.

and such assessment shall be a lien upon any property of said corporation or company in the city of Paterson, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

Consent of board of aldermen required to construct railroad.

119. *And be it enacted*, That it shall not be lawful for any person or persons, or corporation, to construct any passenger or other railroad for cars or carriages, to be drawn by horses or horse power, within the limits of the city of Paterson, without the permission or consent of the board of aldermen first had and obtained, which permission and consent the board of aldermen are hereby empowered to give to any person or persons, or corporation, who shall be authorized to construct such railroad by any laws of this state; *provided, always*, that no such permission or consent shall ever be given by the said board of aldermen until a majority of the owners of the lands in front of any such railroad and along which the same may be intended to be made and constructed shall first consent in writing to the making and constructing thereof, and which consent in writing of said land owners shall be first filed in the city clerk's office.

Proviso.

Railroads subject to regulations.

120. *And be it enacted*, That said railroads, when constructed, shall be subject to such general and police regulations of the board of aldermen as now exist or may hereafter be ordained or established in regard to the same, or in regard to horse railroads in general in said city.

May drain and fill up lots of ground, &c.

121. *And be it enacted*, That the board of aldermen may, by a resolution passed by a concurring vote of two-thirds of its members, and approved by the mayor of the city, order and direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground, in all cases where the same is, in their opinion, necessary to prevent or abate a nuisance, and order any sidewalk to be filled; re-filled or repaired in case the owner or owners thereof shall refuse or neglect to do so for ten days after the approval by the mayor of such resolution; and the expenses of such digging down, filling, re-filling, draining and fencing, or any of them, shall be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for grading and paving streets, unless the board of aldermen shall in any case prefer suing for the same before the recorder of the city.

122. *And be it enacted*, That the mayor and aldermen

shall have power and are hereby authorized to issue scrip for the payment of the grading, paving, curbing, macadamizing, digging down, filling or re-filling of any street, avenue, highway, road, alley or sidewalk or part thereof in said city, until the same can be collected from the owner or owners of property liable therefor, to be paid to the contractor or other person having done such grading, paving, curbing, macadamizing, digging down, filling or re-filling, or to other persons entitled to the payment thereof, which scrip shall bear interest at the rate of seven per centum per annum until paid, and the same shall be paid within three months of the time of the completion of the assessment, and the amount of said scrip, with the interest thereon, shall be assessed with the other expenses upon the property liable therefor.

Mayor and aldermen may issue scrip for payment of grading, &c.

TITLE IX.

BOARD OF EDUCATION.

123. *And be it enacted*, That the board of education of the city of Paterson shall consist of two commissioners of public schools from each ward of said city, who, they and their successors, having been chosen and qualified in the manner hereinafter prescribed, shall be and they are hereby incorporated by the name of "The Board of Education of the City of Paterson," and shall be vested with all the powers and privileges appertaining to corporate bodies, necessary to carry into effect the provisions of this act.

Board of education, how composed.

124. *And be it enacted*, That there shall be elected in each of the wards of said city, at each annual charter election, one person to serve as commissioner of public schools, who shall enter upon the duties of his office on the first Monday after his election, and continue therein two years and until his successor has been elected in his stead and has qualified.

Commissioners elected at charter election.

125. *And be it enacted*, That every person elected or appointed a commissioner of public schools in said city shall, before entering on the duties of his office, and within twenty days after his election or appointment, take and subscribe before some justice of the peace of said city an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his ability, skill and understanding, and shall file the said oath or affirmation with the secretary of the board of education; and if the person so elected or

Must take and subscribe oath

appointed fail to qualify within the time and in manner above prescribed the office to which he shall have been chosen shall be vacant at and from the expiration of the said twenty days.

Must be resident in his ward.

126. *And be it enacted*, That every commissioner of public schools shall be, at the time of his election or appointment, a resident and voter of the ward for which he is elected or appointed, and every commissioner removing from the city shall thereby vacate his office.

Shall not be interested in any contract.

127. *And be it enacted*, That no member of the board of education shall be interested in any contract whereto the said board shall be a party; and any member violating this provision may be expelled by the board.

Office declared vacant for non attendance.

128. *And be it enacted*, That if any member of the board shall refuse or neglect to attend any three successive stated meetings of the board, after having been personally notified to attend, and without giving satisfactory reasons for his non-attendance, his office may be declared vacant by a majority of the members elected.

Vacancies, how filled.

129. *And be it enacted*, That in case of the failure to qualify, or the death, resignation, removal or other disability of any member, the board shall have power to appoint a suitable person until his successor has been elected and qualified to fill the vacancy as herein provided; *provided*, the same occurs more than fifteen days previous to the annual charter election, and at such charter election a commissioner of public schools shall be elected from the ward where the vacancy exists, to fill the unexpired term.

Officers of the board.

130. *And be it enacted*, That the commissioners of public schools of the city of Paterson shall meet in said city on the Monday next succeeding each annual charter election, and shall elect one of their number president, and shall appoint some person or persons not a member or members of said board, to be secretary to said board and city superintendent of public schools, who shall receive such compensation as the board shall from time to time determine; *provided*, that such compensation shall neither be increased nor diminished during his or their term of office, and a majority of the whole number of commissioners of public schools shall constitute a quorum for the transaction of business.

Proviso.

President.

131. *And be it enacted*, That the president of the board of education shall continue in office for one year, unless sooner removed by a majority of the members of said board, and whenever he may be absent a president pro tempore may

be appointed; and the said board shall be authorized, in case of death, resignation or removal of said president, to elect another, to fill the unexpired term.

Secretary.

132. *And be it enacted*, That the secretary of the said board shall keep a record of their proceedings and have the same regularly published in the daily newspapers of said city, and shall perform such other duties as the board may direct.

City superintendent.

133. *And be it enacted*, That the city superintendent of public schools shall be subject to the directions of the board, direct and superintend the educational department of the city of Paterson, supervise the public schools and school property, see that the rules and regulations of the board for the government of the schools are enforced, and perform such other duties as may be by law or the board required of him; and the said city superintendent shall continue in office one year and until his successor is elected and has duly qualified, unless sooner removed by the board.

Board of examiners.

134. *And be it enacted*, That the board of education shall appoint two or more citizens of said city to constitute, with the city superintendent, a board of examiners, which shall have power, subject to such rules and regulations as the board of education may prescribe, to examine and issue certificates of their qualifications to all teachers employed in the public schools of said city.

General powers.

135. *And be it enacted*, That the board of education, of the city of Paterson, shall have power:—

To take and hold real and personal property.

I. To take and hold, in the name of "The Mayor and Aldermen of the City of Paterson," property both real and personal, granted or conveyed to them for the purposes of public education in the city of Paterson, and to keep the same in proper repair;

To organize and control public schools

II. To organize and establish in said city such public schools as the public convenience may require, and to control, regulate and manage the same;

To select and employ teachers.

III. To select and employ teachers duly licensed by the board of examiners of said city, and such other officers as may be necessary;

To provide books, &c.

IV. To provide school furniture, books, stationery and fuel, and to incur such incidental expenses, for the maintenance of said public schools, as may be necessary; *provided*, that the board may, at their discretion, require pupils to furnish their own books and stationery;

Proviso.

To admit to pub

V. To admit to said public schools, under such rules and

regulations as said board may adopt, any child from the age of five to eighteen years, inclusive, whose parents or guardians reside in said city, and at their discretion to admit such other children as are under the charge and control of a resident of said city;

To remove teachers

VI. To remove any officer or teacher for conduct prejudicial to the school system of the city;

To draw money for expenses.

VII. To draw from the moneys which shall be raised for the purposes of public education in said city, such sums as may be required to defray the necessary current expenses of the board, incurred under the provisions of this act; *provided*, that the said board shall at no time incur any liabilities exceeding the amount appropriated by the mayor and aldermen of said city for such expenses;

Proviso.

To dispose of personal property.

VIII. To dispose of personal property under the charge of the board when it may be deemed for the interests of the schools so to do; but the proceeds realized from the sale of such property shall be paid into the city treasury and be placed to the credit of the board of education.

136. *And be it enacted*, That it shall be the duty of the board of education—

To prepare an inventory of all property, &c.

I. To prepare and transmit to "The Mayor and Aldermen of the City of Paterson," at least fifteen days before the charter election in each year, an inventory of all the property, real and personal, in their possession, used in said city for school purposes, and a report in writing embracing the number of schools under their charge, specifying their grades, the number and names of the teachers employed therein, the number of pupils on the roll, the average attendance in each school, the annual cost of each and every school, and the several items or bills of expenditure paid by said board during the year, under the respective heads of erections and repairs of school houses, the cost of school furniture, salaries of officers and teachers, cost of school books and stationery, fuel and incidental expenses, together with such general remarks in regard to the progress and management of the schools as the board may deem advisable;

To prepare estimate of money required for ensuing year.

II. To prepare and transmit, at the same time with the annual report, an estimate of the amount of money necessary for the support of public schools in said city for the ensuing year, and which shall particularly specify the sum required under the several heads as above stated; and the said mayor and aldermen of the city of Paterson, shall cause the

substance of the said annual report to be published in two or more of the daily newspapers printed in said city, within ten days after receiving the same;

III. To visit every public school in said city at least once in every quarter, and advise and consult with the teachers; To visit public schools.

IV. To obtain by contract, if practicable, all supplies involving an expenditure of upwards of fifty dollars required by the public schools of said city, proposals for which shall be advertised in two of the newspapers of said city, for at least one week previous to deciding thereon, and to award the contract for any article or articles to any responsible party proposing the lowest price for the same, who will give satisfactory security for the execution of the contract; *provided*, that the said board may, at their discretion, reject any or all bids so received; To obtain supplies by contract. Proviso.

V. To make and enforce such by-laws and regulations for the government of said board and the public schools of said city as to secure and promote an economical and efficient system of public education. To make and enforce regulations.

137. *And be it enacted*, That whenever the said board of education shall decide to establish a school or schools in said city, they shall procure a school house by hiring the same, or by purchasing a site in the name of "The Mayor and Aldermen of the City of Paterson," and erecting the necessary buildings thereon, according to plans and specifications which shall be procured and approved by the said board; the erection of such buildings, and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other buildings, shall be done by contract, proposals for which shall be advertised in two of the newspapers of said city for at least two weeks, unless such altering, furnishing and fitting up shall not exceed five hundred dollars in cost; and in all cases such contract shall be awarded to any responsible person proposing the lowest bid, who shall give satisfactory security to the said board for the due and faithful performance thereof; but the said board shall have the right to reject any or all such bids, and advertise again for new proposals. Proceedings when a school is to be established.

138. *And be it enacted*, That whenever any contract shall be made for purchasing a site for a public school in said city, or for erecting, altering, furnishing or fitting up any building for school purposes, as provided in the next preceding section, the expense of which is to exceed one thousand dollars, it Proceedings on contracts.

shall be the duty of said board of education to lay before the mayor and aldermen of said city, a copy of such contract, showing in detail the amount of money to be expended by the city thereunder; and the said mayor and aldermen shall appropriate from time to time such sum or sums of money as may be required by the board of education for the purpose of fulfilling such contract; and all sums of money so appropriated shall be subject to the draft of said board.

May issue school bonds.

139. *And be it enacted*, That for the payment of the existing school debt, and of such other debts and liabilities as may be hereafter incurred by said city for real or personal property to be used for school purposes, "The Mayor and Aldermen of the City of Paterson" shall have power to issue bonds, bearing interest not exceeding seven per centum per annum, under their common seal, and signed by the mayor of said city; and said bonds shall be exempt from all state, county and municipal tax, and shall be redeemable at a period of not more than forty-five years from the issuing thereof.

Tax assessed for payment of interest and principal.

140. *And be it enacted*, That the mayor and aldermen of said city shall yearly and every year, until the said bonds shall be wholly redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same shall become due, and to pay and discharge the principal by the time the same shall become payable; and all such moneys so to be raised are hereby inviolably pledged to pay the interest and principal of said bonds.

Title of school property.

141. *And be it enacted*, That the title to all school property, real and personal, purchased with any money derived from the school fund, or raised by taxation or otherwise in said city shall be vested in "The Mayor and Aldermen of the City of Paterson."

School appropriations.

142. *And be it enacted*, That the said mayor and aldermen shall, on or before the first Monday of May, yearly and every year, in addition to the sum to be raised for the payment of the debt and interest incurred for school purposes, appropriate from the city treasury a sum of money sufficient for the purpose of maintaining the public schools of said city, which sum in the aggregate shall not exceed fifteen dollars nor be less than twelve dollars per scholar, on the average number reported by the board of education, as attending

the public schools the preceding year, and after determining the sum of money to be so appropriated, they shall deduct therefrom the amount received or to be received from the school fund of the state for the current year, and the balance shall be raised by a tax, which shall be assessed and collected in the same manner and time that the other taxes of said city are assessed and collected.

Duty of city treasurer in relation thereto.

143. *And be it enacted*, That whenever the board of aldermen shall have made the appropriation aforesaid, it shall be the duty of the city treasurer to place the said sum to the credit of the board of education of the city of Paterson, and keep the same entirely separate from other accounts in his books; and the said treasurer shall pay, on presentation, all drafts drawn upon him by order of said board, duly attested by the signatures of the president and secretary, which draft shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the same, and endorsed by said person to an amount not exceeding the balance remaining on the city treasurer's books to the credit of said board, and he shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the city of Paterson.

School fund quota.

144. *And be it enacted*, That the said city shall be entitled to a full quota of the moneys appropriated by the trustees of the school fund to the county of Passaic, which when received, shall be deposited with the city treasurer to the credit of the board of education.

Assessors to make out list of children annually.

145. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the city of Paterson, and they are hereby authorized and required at the time of making their annual assessment of taxes, to make out a list of the children between the ages of five and eighteen years, within each of said wards respectively, specifying the age of each child in years, together with the names and nativity of the parents or guardians of such children, and to transmit the same under proper certificates, on on before the first day of August annually, to the city superintendent of public schools, who shall report the whole number of such children to the county or state superintendent of public schools; and the sum of one cent for every name of children contained in said lists, respectively, shall be allowed to the assessors duly making out and transmitting the same, to be paid out of the school fund by the treasurer of the city of Paterson; and

any assessor failing to comply with this provision shall be liable to a penalty of fifty dollars, to be recovered before the recorder of said city, in an action of trespass on the case, which penalty when collected shall be placed to the credit of the board of education.

Actions for damages to school property, how brought.

146. *And be it enacted*, That all actions or other proceedings brought or to be brought in any court of law or equity against any person or body corporate for damages for and on account of any injury to any property, real or personal, under the charge, control and management of the board of education, shall be in the name of "The Mayor and Aldermen of the City of Paterson," and all damages which may be recovered in such actions or proceedings shall be appropriated by the said mayor and alderman to the support of public schools in said city.

TITLE X.

MISCELLANEOUS PROVISIONS.

Publication due notice of passage of ordinance.

147. *And be it enacted*, That when notice of the passage of any ordinance by the mayor and aldermen is by this act required to be given, the publication of the same in one or more of the newspapers printed and published in said city shall be deemed sufficient notice of the passage thereof to all persons interested therein.

All ordinances to continue in force.

148. *And be it enacted*, That all ordinances passed by the mayor and aldermen of the city of Paterson, by virtue of the act to incorporate the city of Paterson, or the act to revise and amend said act, and all supplements thereto, shall continue in force until altered or repealed by the board of aldermen and approved by the mayor.

Record books admitted as evidence.

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

Officer must deliver to his successor all books and papers.

150. *And be it enacted*, That it shall be the duty of every person having held an office in said city, within ten days after the expiration thereof, or his removal therefrom, to deliver to his successor in office, or to such person as the board of aldermen may appoint, all books, records, papers, vouchers and property of every kind belonging to said city

or appertaining to such office in his possession or under his control, and upon refusal so to do any such person shall forfeit and pay to the mayor and aldermen the sum of five hundred dollars, to be recovered, with costs, in any court of competent jurisdiction.

Official bond may be increased in amount.

151. *And be it enacted*, That whenever in the opinion of two-thirds of the board of aldermen, the official bond given by any constable or other officer elected or appointed in the city of Paterson, shall become insufficient from any cause, it shall be lawful for the said board of aldermen to order the clerk of said city to notify such officer thereof, and thenceforth his power and authority shall cease and determine, until he shall execute a new bond, with sureties, to the satisfaction of the said board of alderman for the faithful performance of his duties during the remainder of the term for which he was elected; *provided, however*, that this act shall in no wise affect his duties and powers, under and by virtue of any process in his hands at the time of such notice, nor any right of action on such insufficient bond existing at or before the time of such notice.

Proviso.

Persons in office to hold the same.

152. *And be it enacted*, That every person now holding any office in said city under and by virtue of the provisions of the original act incorporating the city of Paterson, or the act revising and amending said act and the several supplements thereto, whether elected or appointed, shall be entitled to hold the same, and be required to perform all the duties thereof, with such additional duties, powers and restrictions, if any, as may be conferred or imposed by this act for the full term for which he was so elected or appointed, subject only to be removed according to law.

No costs recovered from city for claim which has not been presented to be audited.

153. *And be it enacted*, That no costs shall be recovered against the city in any action brought against it for any unliquidated claim which has not been presented to the board of aldermen to be audited; nor shall costs be recovered against the city in any action on any unliquidated claim which shall have been allowed in part by the board of aldermen unless the recovery shall be for a greater sum than the amount allowed by the board of aldermen, with the interest thereon from the time it was allowed.

Publication of ordinances presumed until the contrary proved.

154. *And be it enacted*, That the publication of all ordinances by the mayor and aldermen as required by this act, shall in all cases arising before the recorder in proceedings

to recover penalties, be presumed to have been made until the contrary be proved.

Auctioneers must give bonds.

155. *And be it enacted*, That the board of aldermen shall have power to pass, alter and repeal all ordinances regulating and controlling the duties of auctioneers, and making them liable on their official bonds for the faithful performance of the duties enjoined upon them, as well as for the payment of any moneys collected by or entrusted to them by the mayor and aldermen or such persons as may employ them.

Bonds may be prosecuted if there is loss by neglect or default.

156. *And be it enacted*, That if any person shall sustain loss by the neglect or default of any auctioneer licensed in said city, in discharge of his duties, whereby such bond shall become forfeited, and shall by himself, his agent or attorney, make affidavit of such loss, before any person authorized to administer oaths or affidavits, and shall tender such affidavit to the city clerk, it shall be the duty of such officer to file the said affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her or their agent, or attorney, a certified copy of such bond, to the end that an action may be brought upon such bond, and which certified copy shall be evidence in all courts and places in this state.

Prosecuted in the same manner as constables' bonds.

157. *And be it enacted*, That it shall be lawful for any person or persons to bring suit on such bond in any court having jurisdiction of the amount of loss alleged in said affidavit to have been sustained, and the suit shall be brought and conducted in the same manner as upon constables' bonds, as stated in the fifth section of an act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six; and the court before whom any judgment shall be obtained on any auctioneer's bond as aforesaid, shall, from time to time, upon due notice assess the damages which shall have been sustained by any person or persons by reason of any neglect or default of said auctioneer in his official duties, and the said court shall and may award execution thereon, with costs; provided, the said assessment does not exceed the penalty of the said bond.

May prescribe the character and stability of buildings.

158. *And be it enacted*, That it may be lawful for the board of aldermen, by ordinance, to prescribe the character and stability of all buildings to be hereafter erected within the bounds of said city, to direct the depth of the foundations, thickness and materials used in the construction of the walls thereof, and to regulate all such other matters as shall be

deemed necessary to be observed in construction of buildings, to protect and ensure the health, life and safety of the citizens of said city; *provided*, that no party wall shall be less than nine inches in thickness. Proviso.

159. *And be it enacted*, That it shall be lawful for the said board of aldermen to provide, by ordinance, for the punishment, by fine, of the builders, contractors or owners, or any of them, of any building or buildings, foundations or walls built, constructed or erected contrary to such ordinances, and said fine may be sued for and be recoverable in an action of debt in the name of and for the use of the said mayor and aldermen. May provide for punishment of builders and contractors.

160. *And be it enacted*, That the board of aldermen shall have power to appoint such officer or officers as they shall deem necessary to inspect all buildings hereafter to be erected in said city, and provide for his or their compensation; the said officers shall hold their offices for one year, shall report all violations of any ordinance regulating the erection of buildings to the board of aldermen as soon as can be done, and shall have authority, at all reasonable times, to enter any building in progress of construction or erection for the purpose of inspecting the same. Shall appoint officers to inspect buildings.

161. *And be it enacted*, That the said mayor and aldermen may expend one hundred thousand dollars and no more in any one year, for the purpose of paying all the costs and expenses of building sewers and drains, and they are hereby authorized to assess and collect by tax, at the time and in the manner as other taxes in said city are assessed and collected, a sum not exceeding one fourth of one per centum on the assessed valuation of the real and personal property in said city described in the proviso to this section as returned by the assessors thereof, and the said mayor and aldermen may and they are hereby authorized to issue coupon bonds bearing not more than seven per centum interest, payable semi-annually, and having not less than ten nor more than twenty years to run, to the amount of one hundred thousand dollars less the taxes raised by assessment as hereinbefore set forth, said bonds to be exempt from all state, county and city tax; *provided*, that the tax for said sewers shall be assessed on the real and personal property subject to taxation within that part only of the city of Paterson, bounded easterly by the Passaic river on the east of the city; southerly by the line of the township of Acquackanonk to the Morris canal; Sewers and drains, and costs thereof. Proviso.

along said canal to the ledge of rocks running from said canal to the upper raceway of the society for establishing useful manufactures, and following said upper raceway the different courses thereof, to the centre line of the Passaic river; thence along said centre line of the Oldham brook; thence up said Oldham brook to the line of the township of Manchester, following said township line to the Passaic river.

162. *And be it enacted*, That the act entitled "An Act to authorize the construction of sewers and drains in the city of Paterson, approved February the twenty-sixth, eighteen hundred and sixty-eight," be and the same is hereby declared to be and remain in full force and effect, except section sixth of said act, and that section sixth be and the same is hereby repealed.

May exempt certain portions of city from light and water tax.

163. *And be it enacted*, That the board of aldermen of the city of Paterson be and they are hereby authorized to establish boundary lines in said city from time to time as they deem expedient for the purpose of exempting certain portions of said city from taxation for the purpose of supplying the city with light and water.

Aldermen may make arrests without warrant.

164. *And be it enacted*, That each alderman of said city during his term of office shall be, and he is hereby authorized, on witnessing any breach of the peace in said city, forthwith to arrest the offender or offenders, and commit him, her or them for a hearing without a warrant for that purpose first being issued.

Public parks.

165. *And be it enacted*, That the mayor and aldermen of the city of Paterson are hereby authorized to purchase and hold one or more tracts or parcels of land within said city, to be by them laid out, enclosed, ornamented and used as public parks, and to employ such architects, engineers and other persons as may be necessary to carry out and accomplish the purposes and objects contemplated by this section, and to pass, adopt and repeal all such ordinances, rules, regulations and by-laws as they may deem necessary and proper for laying out, enclosing, ornamenting, using by the people, and protecting such park or parks; and the said mayor and aldermen, in purchasing such lands for a park or parks may, if they deem it necessary or advantageous in laying out the same, purchase more land than may be actually necessary for such park or parks; and when the said park or parks shall have been surveyed or laid out, the said mayor and aldermen

May dispose of land not required for the same.

shall have power to dispose of all the residue of such land not embraced within the limits of such park or parks, at public auction or private sale, as to them may seem most advantageous to the interests of said city, and the proceeds of such sale to be exclusively used and applied to the beautifying such park or parks, or the liquidation of the indebtedness incurred in the purchase of the lands for the same; *provided, however*, that no such private sale shall be valid without the concurring vote therefor of two-thirds of all the members of the board of aldermen, and the approval of the mayor. Proviso.

166. *And be it enacted*, That the mayor and aldermen of said city, for the purpose of paying for the purchase of said tract, tracts or parcels of land, and defraying all the expenses and costs of enclosing, laying out and ornamenting the same, and other expenses incident thereto, shall have authority to issue seven per centum coupon bonds, under their corporate seal and the signature of the mayor, to be denominated "Paterson City Park Bonds," with interest payable semi-annually, and redeemable at such time or times within forty-five years from the issuing thereof as the said mayor and aldermen may deem proper, and to pledge the credit of said city, and all the real and personal property therein for the redemption of said bonds, which bonds it shall be lawful for the mayor and aldermen to sell; *provided*, that no bond shall be sold for less than its par value. May issue city park bonds. Proviso

167. *And be it enacted*, That the mayor and aldermen of the city of Paterson are hereby authorized and empowered to purchase a city hall or other buildings, or to purchase a suitable site or sites and erect thereon one or more public markets, city hall or other public buildings, and to employ suitable architects, engineers and other persons necessary to accomplish the purpose hereby contemplated, and to pass all such ordinances, rules, regulations, and by-laws for the establishment, maintenance, using, renting and governing said market, city hall or other public buildings as they may deem proper. City hall, markets, &c.

168. *And be it enacted*, That for the purpose of paying for such site or sites and for the erection of said buildings thereon, and defraying the expenses thereof, the mayor and aldermen of the said city shall have authority to issue seven per centum coupon bonds under their corporate seal and the signature of the mayor, to be denominated "Paterson City Im- May issue city improvement bonds.

provement Bonds," with interest payable semi-annually, and redeemable at such time or times within forty-five years from the issuing thereof as they may deem proper, and to pledge the credit of the city and all the real and personal property therein for payment of said bonds, which bonds it shall be lawful for the said mayor and aldermen to sell; *provided*, that no bond shall be sold for less than its par value.

Bonds free from taxation.

169. *And be it enacted*, That the bonds authorized to be issued by the mayor and aldermen shall be issued free and exempt of and from all city, county and state taxes.

Commissioners of sewerage.

170. *And be it enacted*, That the mayor and aldermen of said city shall appoint three persons, citizens of said city, and who shall not all be of the same political party, as commismissioners of sewerage, to serve one, two and three years respectively, whose terms of office shall commence at the expiration of the term of office of the present commissioners of sewerage of said city, and annually thereafter the said mayor and aldermen shall appoint one commissioner of sewerage for the term of three years; and the salary of each of said commissioners shall be seven hundred dollars, per annum, to be paid by said city.

Repealer.

171. *And be it enacted*, That the eighteenth, nineteenth, twenty-second, twenty-fourth and twenty-ninth sections of an act entitled, "A Further Supplement to an act revising and amending the act to incorporate the city of Paterson," approved March the fourteenth, eighteen hundred and sixty-one, which further supplement was approved April fourth, eighteen hundred and sixty seven, be and the same are hereby repealed, and that all other parts of said act are hereby declared to be and remain in full force and effect.

Lighting the city.

172. *And be it enacted*, That the mayor and aldermen of the city of Paterson, for the purpose of lighting the city and supplying the citizens thereof with a sufficient supply of good illuminating gas, are hereby authorized and empowered to construct works for that purpose, in whole or in part, or to purchase the Paterson Gas Light Company's works, in whole or in part, and when they have purchased any stock of any new gas light company, or of the Paterson Gas Light Company, they shall have the same rights and exercise the same powers in the election of directors, and in the general management of said companies, or either of them, as the stockholders now have, or may hereafter have, and they shall exercise and enjoy all the profits, privileges and immu-

nities, and be subject to all the losses sustained by said companies, in proportion to the amount of stock held by them.

Authorized to purchase gas works

173. *And be it enacted*, That the said mayor and aldermen are hereby authorized to purchase the Paterson Gas Light Company's works, and the said company are hereby authorized to sell all their works to said city, and if the mayor and aldermen of the city of Paterson and the Paterson Gas Light Company cannot agree as to the value of said works or property of said gas light company, then the said mayor and aldermen are hereby authorized to build new works for the purposes hereinbefore specified.

Powers in relation to same

174. *And be it enacted*, That all that part of the act entitled "A Further Supplement to an act entitled 'An Act revising and amending the act to incorporate the city of Paterson,'" approved March fourteenth, eighteen hundred and sixty-one, and which further supplement was approved April fourth, eighteen hundred and sixty-seven, referring to the purchase by said city of the Passaic Water Company's works, and the building of new water works, are hereby declared to apply to the purchase of the Paterson Gas Company's works, or the building of new works by said city; *provided, however*, that no person, association or corporation in said city shall be charged for gas which he, she or they do not actually consume; except such charge shall be made by the general tax for lighting said city with gas.

Proviso.

Appointment of commissioners.

175. *And be it enacted*, That for the purpose of carrying out and effecting the purposes and objects provided for and authorized in the one hundred and sixty-fifth, the one hundred and sixty-seventh, the one hundred and seventy-first, the one hundred and seventy-second, and the one hundred and seventy-third sections of this act, the mayor and aldermen of said city are hereby authorized and directed, whenever they shall decide to carry out and effect such purposes and objects, or any of them, to appoint three discreet persons, residents and citizens of said city as commissioners who shall have full power and authority on behalf of, and in the name of said mayor and aldermen to make all contracts and purchases, and to transact and perform all business necessary in relation thereto, or connected with any of such purposes and objects, and the acts and contracts so made by said commissioners and by them reported to the board of aldermen, shall be binding upon such mayor and aldermen, and upon the said city, as fully and completely

as if they had been made directly by said mayor and aldermen; the said commissioners shall not be selected from among the board of aldermen, and shall not all belong to the same political party, and they shall before entering upon the performance of their duties, each subscribe and take an oath or affirmation for the faithful performance of their duties, and file the same to the city clerk.

Notice must be given of alteration of this charter.

176. *And be it enacted*, That before application shall hereafter be made to the legislature of this state, for any alteration of this act, notice that such alteration will be applied for shall be published in two of the papers printed and circulated in said city, at least two weeks before the convening of the legislature.

Repealer.

177. *And be it enacted*, That from and after the passage of this act all acts and parts of acts inconsistent with or repugnant to the provisions hereof are hereby repealed, except the first and second sections of the supplement to the act incorporating the city of Paterson, approved February twelfth, anno domini eighteen hundred and fifty-eight, which shall be and are hereby continued in force until the purposes and objects of that part of that act are perfected, but nothing in this act contained shall destroy, impair or take away any right or remedy acquired or given by any act or part of act hereby repealed, and all proceedings, of any kind whatever, commenced under any such former act or parts of any such acts, shall and may be carried on and completed in all respects in the same manner and with the same effect as though this act had not been passed.

May reinstitute proceedings in laying out streets when set aside.

178. *And be it enacted*, That when any of the proceedings of said mayor and aldermen, in laying out, widening, opening or altering streets, shall be set aside by judicial proceedings, it shall be lawful to re-institute the proceedings set aside, upon the same petition, or basis, upon which the original proceedings were based, if they see fit so to do, and lawfully proceed therein, the same as though the former proceedings had not been had.

179. *And be it enacted*, That no act shall be deemed to repeal or modify this act, or any part thereof, unless it shall specially so express, and naming this act as being the one intended to be modified, amended, altered or repealed.

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

Approved March 25, 1869.

CHAPTER CCLXXXI.

An Act for the government and regulation of the State Prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person sentenced to hard labor and imprisonment under the laws this state, for any time not less than six months, shall, within twenty days after such sentence, be transported at the expense of the state, by the sheriff of the county where such conviction may be had, or by his lawful deputy, to the state prison, and there delivered into the custody of the keeper of said prison, together with a copy of the sentence of the court ordering such punishment, and of the taxed bill of costs of prosecution against such offender, certified under the hand and seal of the clerk of the court where such conviction was had; and said person so delivered to the keeper of said prison, shall be safely kept therein until the time of his or her confinement shall have expired, and the fine or fines, and costs of prosecution be paid or remitted, or until he or she shall be otherwise discharged according to law; and every person sentenced to imprisonment for less than six months shall be confined in the common jail of the county where the conviction was had, and there safely kept until the term of his or her confinement shall expire, and the fine and costs of prosecution be paid, or until he or she shall be discharged by due course of law.

Convicts to be conveyed to state prison.

For less than six months in county jail.

2. *And be it enacted*, That the several sheriffs, or their deputies, shall transport to the state prison at the same time, all offenders sentenced as aforesaid, during any one term of the court pronouncing such sentence; and that for transporting, sustaining and securing such offenders, they shall be entitled to receive the following and no other compensation, to wit: for a single offender, thirty cents per mile; for two offenders, twenty-five cents per mile each; for three offenders, twenty cents per mile each; and for four or more offenders, fifteen cents per mile for each one; which sums shall be certified by the keeper of said prison, and said certificate shall be delivered to the treasurer of this state, who shall upon the

Fees for transportation.

same and the order of said keeper and warrant of the comptroller who shall pay the said sheriffs the amount so certified, out of any moneys in his hands not otherwise appropriated.

Costs taxed and paid.

3. *And be it enacted*, That the costs of conviction of every offender sentenced to hard labor and imprisonment in the state prison, shall hereafter be paid on warrant of the comptroller of this state, on a certificate of the taxed bill of costs, signed by the clerk of the court where such conviction shall be had, and countersigned by the keeper of the prison; *provided*, that if the comptroller aforesaid shall have reason to believe that any such bill of costs is improperly taxed, it shall be his duty to return the same to the court where such conviction was had, that the same may be re-examined, and retaxed by the court.

Proviso.

Appointment of supervisor.

4. *And be it enacted*, That the governor, chancellor, chief justice and attorney general of the state, within one month after the passage of this act, and as often thereafter as the offices hereby created shall become vacant, shall at a meeting called by the governor, choose and appoint by concurrence of a majority of them, a competent and suitable person to be supervisor of the state prison, who shall be commissioned as such by the governor, and shall hold his office for three years, and until his successor is appointed as aforesaid, and qualified; such supervisor shall receive a salary of two thousand five hundred dollars per annum, payable quarterly by the treasurer in the same manner as the salaries of state officers are paid; and before entering upon the duties of his office shall give bond to the state, with two sufficient securities to be approved by the governor, in the sum of twenty-five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by law, and will well and faithfully use, account for, and pay over according to law, all the moneys of the state at any time received by him; such bond to be acknowledged, recorded, and filed in the same manner, and to have the same effect, according to the terms thereof, as is herein provided, in respect to the bond of the keeper of the state prison.

Salary.

Shall give bond.

Board of supervisors, their powers, duties and compensation

5. *And be it enacted*, That the supervisor, together with the comptroller and treasurer of the state, shall constitute the board of supervisors of the state prison; and the said supervisor and the said board, shall, respectively possess the powers, and perform the duties as hereinafter provided; and at all meetings of the board of supervisors, a majority thereof

shall be a quorum for the transaction of all its business, except as herein otherwise provided; and the powers and duties of the supervisor as member of the board, shall be independent of his powers and duties as supervisor; and action of a majority of said board, shall be considered action of the board, except as otherwise provided; and said comptroller and treasurer shall respectively receive for their services as members of said board of supervisors such sum per annum as may be awarded by the governor, chancellor, chief justice and attorney general as a proper compensation therefor, to be paid in the same manner as the salaries of other state officers are paid.

Appointment of inspectors.

6. *And be it enacted*, That at the first joint meeting in each year, after the accounts of the state prison are settled, five suitable persons shall be chosen as inspectors of the state prison, who shall continue in office one year, and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen by the death, removal, resignation or refusal to act, or other inability of said inspectors, the governor or person administering the government, shall appoint a person or persons to fill the vacancy; and each of the said inspectors shall be entitled to receive three dollars per day for their attendance at their stated meetings, and for every day necessarily employed in the duties of their office, to be paid to them by the treasurer of this state, by warrant of the comptroller, upon orders drawn by said inspectors.

Vacancies.

Compensation

Appointment of principal keeper.

7. *And be it enacted*, That at the joint meeting aforesaid in each year, a suitable person shall be appointed to be principal keeper of said prison, who shall hold his office for one year from the date of his appointment, and until a successor is chosen and legally qualified to act; and said keeper shall reside at said prison during the term of his office, and shall receive a salary of one thousand eight hundred dollars, with fuel and light, per annum, and at that rate for a shorter period, to be paid monthly by the treasurer of this state, upon the warrant of the comptroller and upon orders drawn on him by any two of the inspectors; and said keeper shall have power to appoint as many assistants and deputies as the said board of supervisors shall deem necessary and proper, to enable him to execute the duties of his office; which said deputies and assistants shall have such compensation and allowances as the said board of supervisors shall deem just and proper; which shall be paid by the treasurer, monthly,

Salary.

Keeper may appoint assistants and deputies.

by warrant of the comptroller, and upon orders drawn by any two of said inspectors; and the said keeper shall dismiss all, or any of his said deputies and assistants, whenever he shall think proper, or shall be required so to do by the unanimous action of the board of supervisors; and before said keeper shall exercise any part of his office, he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of the state, in the sum of five thousand dollars, with condition that he and his deputies and assistants, shall well and faithfully perform the duties imposed on them by law; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor, or one of the justices of the supreme court of this state, and shall then deliver the same to the treasurer of this state, who shall cause the same to be recorded and filed in the office of the secretary of this state; and copies of said record, legally exemplified by said secretary, shall be legal evidence in all courts of this state, in any suit against said keeper and his sureties or any of them.

May be dismissed.

Keeper shall give bond.

Rules

8. *And be it enacted*, That the following rules and regulations for the better ordering of the state prison shall be in force until altered by the legislature, or in the manner hereinafter directed.

ARTICLE I.

OF THE SUPERVISOR AND BOARD OF SUPERVISORS.

Meetings.

Officers.

The board of supervisors shall hold stated meetings once a month, at such place in Trenton as they shall determine, and such special meetings as they shall deem necessary from time to time; the comptroller for the time being shall be ex-officio president, and the treasurer for the time being secretary of said board; they shall have power to make such rules and regulations for the general government and regulation of the state prison, and matters relating thereto, as they may deem necessary and proper consistent with the principles of separate confinement, the laws of the state, and the independent powers specially given to other officers; and they shall cause the same to be written or printed, and copies thereof to be furnished to the supervisor, the inspectors, the keeper, and his deputies and assistants, the moral instructor, physician and clerk of the prison; and all officers and persons con-

May make rules and regulations for the government of prison.

nected with the prison shall conform to and obey the same; they shall, from time to time, as often as they think proper, carefully inspect the accounts of the supervisor, and examine into his dealings, contracts and transactions in relation to the prison and the business thereof; they shall cause the keeper, as often as they think proper, to lay before them his accounts and other books of the prison, and carefully inspect and examine the same; they shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the officers of said prison; they shall have power to make general regulations to govern the supervisor in the purchase of materials and supplies, and articles necessary for the prison, the employment and hiring out of the labor of the prisoners, and the sale of articles manufactured or prepared therein; and they may, if they think proper, at any time, and by special resolution, require that all or any of such purchases, hirings or sales, shall be made by contract, awarded, after advertisement, to the best bidders, as hereinafter provided; they shall have power to cause such improvements and repairs to be made in said prison as may, from time to time, be necessary and proper for the carrying on of the business thereof; they shall have power, as they think proper, to close up all contracts in relation to the labor of the prisoners, which have now expired by their own limitation, or by the conduct of the parties thereto, and which still remain unsettled, and to settle and determine the same and all work thereunder; the supervisor, subject to the power of restriction and regulation above given to the board of supervisors, shall have the sole power, except as herein otherwise provided, to regulate and prescribe the work and employment of the prisoners confined in said prison (except in regard to such work as may be necessary, lawful and proper for any of them to be employed in for the general sanitary and household affairs of said prison, which shall be regulated by the keeper); and he shall have power, with the consent of the board of supervisors, to hire out and contract with any person or persons for the labor of the prisoners, or any part of them, for any period not exceeding four years; *provided*, that if any such contract shall be for a period extending beyond the term of office of the supervisor making such contract, the said contract shall require to render it valid the approval of the governor or person administering the government of the state for the time being; he may, with the consent of the board of super-

Inspect accounts of supervisor and keeper.

Examine into any abuse or breach of duty

Purchase of materials.

Improvements and repairs.

May close up contracts for labor of prisoners.

Supervisor shall regulate the employment of prisoners and make contracts.

Proviso.

Instructors to direct labor.

visors, permit any contractor to name and employ an instructor or instructors to direct the work of the prisoners whose labor is contracted for, but such instructors shall be subject to the laws, rules and regulations of the prison, and shall, before they enter upon their duties, enter into a bond to the supervisor, with such penalty and security as he shall deem reasonable, for the observance of such laws, rules and regulation; and if any instructor shall break any of the said laws, rules and regulations, the keeper, or the acting inspectors, may report the same to the supervisor, who, if satisfied of the truth of the charge, shall forthwith discharge the person offending, or if he fails to discharge him, the board of supervisors may, upon the application of the keeper, do so if they think it proper under the circumstances; he shall have the sole power, subject to the power of restriction and regulation above given to the board of supervisors, to contract for and purchase all clothing, provisions, supplies and all other articles required under the laws of the state, for the proper support, maintenance and comfort of the prisoners, and the materials and implements for any kind of labor or manufacture in which they may be employed; and he shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out, and shall receive all moneys for the articles sold and the work done, and all moneys on the contracts for the labor of the prisoners, as the same shall come due, and shall make monthly statements thereof to the board of supervisors, and shall pay over the same from time to time, and as often as the board of supervisors shall direct, except so much as may be necessary to defray the current expenses and carry on the operations of the prison; he may appoint, with the consent of the supervisors, one or more agents at any place he may think proper, for the sale of articles manufactured in the prison, and allow them reasonable commissions; and he may, subject as aforesaid, if he think proper, advertise for proposals or bids for contracts for the labor of the prisoners, or any part of them, or the purchase of any articles manufactured or prepared in the prison, or for the furnishing of any clothing, provisions, materials or other articles of any kind required for the use of the prison, or the maintenance, support or employment of the prisoners; and such advertisement shall be made for at least thirty days, in at least three newspapers published in this state, and the contracts made thereon shall be with the best bidders, subject

Shall purchase supplies and clothing, sell articles, and receive moneys on contracts, &c.

He may appoint agents.

Advertise for proposals or bids for contracts for labor

to approval as hereinbefore required; he shall cause full and regular accounts of the stock, materials, tools and implements, provisions, clothing, supplies and other articles by him purchased and supplied to the prison, and of all the articles manufactured or prepared therein, and sold and disposed of, and the sums for which they were sold, and to whom, to be entered and kept by the clerk of the prison, under his supervision, in books provided for the purpose; and he shall close his accounts for each year on the thirty-first day of December in each year, and shall have them ready for examination and settlement on the second Tuesday of January following, and shall lay the same before the board of supervisors, the committee appointed by the legislature to settle the accounts of the state prison, and the legislature itself, at such times as it shall direct; whenever it shall happen that the supervisor of the state prison shall find it necessary to raise money for the use thereof, or whenever he may be enabled to economize the expenditures of the same by the use of ready mony, he shall be and is hereby authorized to draw his drafts, by and with the consent of the board of supervisors, upon the treasurer of the state, from time to time, for any sum or sums not exceeding in the aggregate ten thousand dollars in any one year, to be applied to the uses aforesaid; and it shall be lawful for the treasurer upon warrant of the comptroller to pay the sum so called for out of any unappropriated sums in his hands; the said supervisor shall, from time to time, and as soon as he shall be in funds from the receipts of the income of the prison, repay to the treasurer, the sums so advanced, so far as practicable previous to the close of each fiscal year; if, in the opinion of the board of supervisors, the supervisor shall be at any time wilfully or repeatedly guilty of misconduct in his office, or of gross or continued neglect and failure properly to discharge the duties thereof, they may immediately petition the governor to institute proceedings for his removal from office; and it shall be the duty of the governor upon such petition being presented to him, to call a meeting of the officers by whom it is provided that the supervisor shall be appointed, and they shall institute in a summary way, such inquiry into the truth of the facts charged as they shall think fit; and if upon hearing the allegations of the board, and the defence if any, of the supervisor, they shall be of opinion that the said supervisor should be removed from his office, they shall thereupon remove him, and his appoint-

Regular accounts to be kept.

May draw for moneys on the state treasurer

Supervisor may be removed for misconduct.

ment, commission and office shall thereupon be vacated, and all his authority and power as supervisor or by virtue of his office, shall immediately cease, and his successor shall be appointed according to law.

ARTICLE II.

OF THE INSPECTORS AND THEIR DUTIES.

Meetings. The said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary; they shall at their first meeting after their appointment, elect out of their number a president and secretary, and two acting inspectors, who shall continue such for so long a term as a majority of said inspectors shall direct; and at said meetings they shall also elect a suitable

Physician and clerk. person to be the physician of said prison, and a suitable person to be clerk of said prison, who shall hold their offices respectively for one year, and until others are chosen, subject to removal by the unanimous action of the board of supervisors upon good cause shown, and they shall receive such compensation as the board of supervisors shall deem just, to be paid to them quarterly by the treasurer of this state, upon warrant of the comptroller, and upon orders drawn by said inspectors, or any

Inspectors to keep minutes. two of them; they shall keep full and regular minutes of their proceedings; they shall see that the duties of the keeper and the several officers and attendants of the prison are duly performed, so as to prevent all oppression, or other

Quarterly reports. abuse or mismanagement, and shall make reports of the same to the board of supervisors quarterly, and as often as required; they shall, on or before the third Tuesday in January in each year, make a report to the legislature, of the

Annual report state of the prison, which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, term of commitment, and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed and proved mortal, and the names of those who have been pardoned or discharged, designating, also, the offence for which each has been committed, and whether for the first or repeated offence, and by what court or by whose order; they

Sanitary government. shall have general charge of the sanitary condition, government and police of the prison, and for that purpose they

May make rules. shall have power to make such rules and regulations for the

internal government and regulation thereof as they may deem necessary and proper, consistent with the principles of separate confinement, and the laws of this state, and the rules and regulations adopted by the board of supervisors, and to cause such repairs and improvements to be made in the said prison and the walls and grounds thereof as may be, from time to time, necessary and proper; and the expenses of such repairs and improvements shall be audited by the comptroller and paid by the treasurer of the state; they shall cause the keeper, from time to time, to lay before them his accounts and other books of the prison, and shall carefully inspect and examine the same; they shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the officers of said prison; they 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 and maintenance, or that such prisoner has conducted himself in an orderly and proper manner; a majority of the inspectors shall constitute a quorum for the transaction of business; the acting inspector shall, at least once a week, visit the cells or place of confinement of each prisoner, out of the presence and hearing of the keeper and all other persons employed in the prison; they shall examine into the truth of all complaints of oppression or ill treatment of the prisoners; on such visits, said inspector shall be furnished by the keepers with a list of all the prisoners, and shall ascertain, by actual inspection, whether all prisoners named in the list are in the situation therein stated; and they shall make a report of the result of such visits and examinations, and of all such matters and things connected with said prison as they may deem necessary to the meetings of the inspectors, and oftener if by them required, which report shall be entered in the minutes of said inspectors, and a copy thereof transmitted to the board of supervisors; if it shall appear by the report of the acting inspectors, or otherwise, to the satisfaction of the board of inspectors, or the board of supervisors that the keeper of the prison, or any of his deputies or assistants do not strictly perform their respective duties, or do in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith, in writing,

May cause repairs and improvements.

Inspect accounts.

Examine into abuses.

Remit costs and debts.

Quorum.

Visitation of prisoners.

Proceedings if officers neglect their duty

to notify the keeper thereof, and of their disapproval of such neglect or failure, particularly specifying the conduct, neglect or failure complained of and disapproved; and if said keeper shall continue, or suffer his deputies or assistants to continue, such conduct, neglect or failure, the board shall imdiately petition the governor, or one of the justices of the supreme court of this state, to remove said principal keeper from office; and it shall be the duty of the governor or justice, upon such petition being presented to him, to institute in a summary way, such inquiry into the truth of the facts charged as he may think fit; and if, upon hearing the allegations of the board and the defence of the keeper, he shall be of opinion that said keeper has wilfully continued or sufered to be continued, such conduct, neglect or failure, he shall forthwith declare said keeper to be removed from his office, and thereupon all his authority as keeper shall immediately cease, and a successor shall be appointed according to law.

Keeper may be removed.

ARTICLE III.

OF THE PRINCIPAL KEEPER, AND HIS DUTIES.

Shall have the custody of prisoners.

The keeper of said prison shall receive from the hands of the sheriff or other proper officer, every person convicted under the laws of this state, and sentenced to imprisonment and hard labor for any term not less than six months, and safely keep him in his said prison according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law; he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States, until they shall be discharged in the due course of the laws thereof; he shall visit every cell and apartment in the prison at least twice a week, and shall at least once in each week make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon or escape of every prisoner, and also the complaints that are made and the punishments that are inflicted for the breach of prison discipline as they occur, the visits of the inspectors and physician, and such other occurrences of importance as concern the state of the

Visit cells.

Keep a journal

prison; he shall not absent himself from the prison, except on business of the prison, without permission in writing from two of the inspectors, but the board of supervisors may, by rule, make such modification or alteration in this item as they may find necessary from time to time; he shall, at the expense of the state, furnish each prisoner with a copy of the bible, and such other books as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts, he shall, with the consent of the supervisor, provide, when required, a sufficient quantity of working tools and implements for the said prisoners, for which, when received, the keeper shall be accountable; he shall cause all accounts respecting the maintenance of the prisoners to be regularly entered in a book or books, and shall also cause to be kept full and regular accounts of the stock and materials, tools and implements, received for the prisoners, and of the articles manufactured or prepared in the prison, and sold or disposed of, in books to be provided by him for the purpose, all of which books and accounts shall be opened to the examination of the board of supervisors, and shall be by the keeper regularly laid before them at their monthly meetings, and at such other times as they shall direct; he 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; he shall prepare, on or before the second Tuesday in January, annually, an abstract of all expenditures and receipts of money by him for the prison, the amount of labor done, the raw materials received, the articles manufactured or prepared and sold, all the bills of transportation and the taxed bills of cost which have been certified by him, and a full account and statement of all moneys paid from the state treasury as salaries to the several officers and attendants of the state prison, and to the inspectors thereof, together with all moneys paid or expended by the keeper or inspectors on account of repairs, or for or on any other account whatever; and the said accounts and abstracts shall be so kept and prepared as annually to exhibit the true and actual receipts and expenditures, and he shall lay the same before the board of supervisors, and 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; he shall suffer no letter or

Not to be absent without permission.

Furnish bible and books.

Provide tools and implements.

Cause accounts to be kept.

Lay books before supervisors.

Settlement of his accounts.

What they are to embrace.

Be laid before supervisors and committee.

Letters of prisoners.

Escapes.

Sunday.

Assign duties of deputy.

Medical treatment.

Not lawful to furnish entertainment.

Current expenses, how met.

communication in writing to be conveyed or delivered to or for any prisoner, or from him, without first inspecting and approving it; if any prisoner shall escape the keeper shall, with the consent of the comptroller and treasurer, and the acting inspectors, advertise a reasonable reward for his or her apprehension, and take all proper measures to effect his arrest, of all which he shall make a written report to the boards of inspectors and supervisors at their next meetings, which reward shall be paid by the treasurer of this state, upon warrant of the comptroller, upon an order drawn by the inspectors, or any two of them; he shall on Sunday, at all proper hours, admit to the hall of the prison a sufficient number of pious, intelligent persons competent to give instruction to the prisoners in the doctrines of the christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid, to enable them to perform that office in a suitable manner; he shall assign to each deputy keeper a certain number of prisoners, to be under the particular care of such deputy, for such length of time as he shall direct; he shall obey the instructions of the physician with regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping; it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshments to any officer, inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison at the expense of the state; to enable the keeper to discharge such current expenses as he may be authorized to incur, and to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be deposited by the treasurer each year to the credit of the keeper, in one of the banks of the city of Trenton, subject to the drafts of said keeper, for the purposes aforesaid; and if the said sum shall be exhausted at any time during the year the treasurer may, by direction of the board of supervisors, make a new deposit of such sum as they may think requisite for such purposes; and any portion of this deposit not expended shall be paid over to the treasurer by the keeper each year before the settlement of his accounts.

ARTICLE IV.

OF THE DUTY OF THE DEPUTY KEEPERS.

Supervision of prisoners, &c.

It shall be the duty of each deputy keeper to inspect the condition of each prisoner under his care at least three times a day, to see that the meals are regularly furnished according to the prison allowance, and to superintend the work of the prisoners, and at least once a day make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; the deputy keepers on guard at night shall, at least once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building; whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper, or to the physician of the prison; each deputy shall give full and particular care and attention to the prisoners assigned to his charge by the principal keeper, and shall make a daily report to the keeper of their health and conduct, and a like report to the inspectors and board of supervisors when required; the deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper, and all rules established for the government and regulation of the prison; the deputy keepers shall not absent themselves from the prison without the permission of the principal keeper; all orders to the deputy keepers must be given by or through the principal keeper; they shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties, and shall, in no case, give information to any prisoner of anything that occurs out of his cell; they shall not furnish any prisoner, nor permit a prisoner to have in his cell any other article than such as is allowed by the rules of the prison; they shall not deliver to or receive from any prisoner any letter, communication in writing, or message, but to or from the principal keeper; the principal keeper shall designate one of the deputy keepers to act in his stead, in case of his absence from the prison, and all the duties and powers of the principal keeper, so far as the same relate to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper so designated until the principal keeper returns to the prison.

Guards.

Report sickness.

Report daily.

Obey orders.

Not to be absent.

How orders given.

Shall not converse with prisoners.

Letters and messages.

Principal may designate a deputy to act in his stead.

ARTICLE V.

OF THE DUTIES OF THE PHYSICIAN.

Visit weekly, and report monthly.

The physician of the prison shall visit each prisoner once in each week, and as much oftener as the state of the health of any prisoner may, in his opinion, require it, and shall report once in each month to the board of inspectors; he shall attend immediately, on being notified that any prisoner is sick; he shall give such directions for the health and cleanliness of the prisoners, and, when necessary, for such alteration in their diet, as he shall deem proper, all of which the principal keeper shall observe and cause to be obeyed, unless the same shall be contrary to law or inconsistent with the safe custody of the prisoners.

Give directions in relation to health.

ARTICLE VI.

OF THE CLERK.

Keep books, &c.

The clerk of the prison shall keep the books and account of the same, and of each prisoner, and perform the necessary and proper writing of the establishment, under the direction of the supervisor and keeper.

ARTICLE VII.

OF THE RECEPTION AND TREATMENT OF PRISONERS.

Examination and description of prisoners, &c.

Each convict, upon being received at the prison, shall be examined by the principal keeper, clerk, and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance, as may serve to identify such convict, all which shall be entered in a book provided for that purpose, and if the convict can write, he or she shall sign his or her name, under such description of his or her person; and in such description shall be stated the clothes and other articles brought to the prison by such convict, all of which shall be taken from him, and carefully

preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors; every convict shall be confined in one of the cells of the prison, separate and alone, except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in color and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food, at the discretion of the keeper, with the approbation of the inspectors, and shall every day, except Sundays, be kept as far as may be consistent with their sex, age, health and ability, strictly at hard labor of some sort in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall, with the approbation of the board of supervisors, employ suitable persons for the purpose, and a just compensation, fixed by said board, shall be paid them by the treasurer, upon orders drawn by the keeper and certified by the comptroller; in order to encourage industrious and proper habits, a separate account shall be opened, and kept in books to be provided for that purpose, for each convict, in which he shall be credited with the amount of labor performed by him, over and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his ability for labor; which sums so credited shall, at the discharge of such convict, be paid to him, or laid out in decent raiment for him, or otherwise applied to his use as the acting inspectors shall direct; but no credit shall be given for overwork to any convict whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison; no convict shall be employed or act as under-keeper; nor shall any convict act as clerk, cook or servant in the said prison, except in such manner as is consistent with the principles of separate confinement; no convict shall receive or have any other clothing or food than is prescribed by law and the rules of the prison; the convicts shall be supplied, as far as practicable and consistent with the interest of the state, with articles manufactured by the prisoners; no person shall take anything into or out of the prison for any prisoner, without the consent of the keeper; if the physician shall report to the keeper that any prisoner is in such a situa-

Treatment of prisoners.

Keep account with each prisoner.

Convict not to be employed as assistant, &c.

Supplies.

Treatment of sick.

tion as to need the care of a nurse, the keeper may, with the approbation of the acting inspectors, employ one of the prisoners as nurse, so long as the physcian shall deem necessary; and whenever, in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison shall be absolutely necessary to the preservation of life, the keeper shall, from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell, but the prisoner shall, in every such case, be kept from the society of the other prisoners, except such as may attend as nurses, and shall in no case be permitted to go beyond the walls of the prison; if any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with a chain on the leg, or handcuffs, or both for six days; and if in his opinion the convict should receive further punishment, he shall refer the case to the acting inspectors, who shall order such further punishment as they shall think proper, provided that corporal punishment shall in no case be inflicted; if a prisoner, entitled to his discharge by expiration of his term of confinement, or by pardon, shall be laboring under an acute or dangerous disease, so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged, except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others; upon the discharge of each prisoner, who has not money to the amount of five dollars, the keeper shall pay him any sum not exceeding that amount, out of the moneys of the state, to the end that all temptation to commit offences against society, before employment or the means of living can be procured, may be removed; each prisoner, upon his discharge, shall take off the prison dress, and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him, unless the same have been sold or disposed of by the keeper, under the direction of the inspectors; and then such prisoner shall have the value thereof paid to him by the keeper.

Discipline.

When prisoner not to be discharged.

Money to be paid discharged prisoner.

Clothing to be restored.

ARTICLE VIII.

OF VISITORS.

The official visitors of the state prison shall be the governor, the members of the legislature, the secretary of state, the treasurer of the state, the comptroller, the chancellor, the six judges of the court of errors and appeals, the justices of the supreme court, and the attorney general; the official visitors may, at any time, visit the said prison, and examine the same and the cells thereof, and the keeper shall give them every facility for so doing; the board of inspectors shall make such rules and regulations, and give the keeper such authority respecting the admission of other visitors than the official visitors, as they shall deem proper. Official visitors. Other visitors.

9. *And be it enacted*, That each deputy keeper and assistant shall hereafter give a bond to the principal keeper, in such sum as he shall require, not exceeding two thousand dollars, and with such sureties as he shall approve, and the clerk of said prison shall give bond to the inspectors, with two sufficient sureties, to be approved by them, in any sum required by said inspectors not exceeding the amount before mentioned, which bond shall be conditioned for the faithful performance of the duties of said officers respectively. Deputies and clerk to give bonds.

10. *And be it enacted*, That the said supervisor, inspectors, keeper, deputy keepers and assistants, and the clerk of said prison, shall not be authorized to enter upon the duties of their respective offices, until they shall have taken and subscribed before a justice of the peace, and delivered to the secretary of state, to be filed in his office, the following oath or affirmation, viz: "I, ———, do solemnly swear (or affirm as the case may be), that I will well and faithfully serve the state of New Jersey, in the office of ———, and will faithfully and diligently execute all the duties required of me as said officer, and carry into execution all the laws and regulations of the state prison of New Jersey, so far as they pertain to my said office, according to the best of my ability, so help me God." Officers to take oath.

11. *And be it enacted*, That the governor of this state, with the board of supervisors shall be authorized to employ a suitable person as a teacher and moral instructor to the convicts in said prison, who shall devote his whole time to the Moral instructor.

Salary. duties of his office, at a salary not exceeding one thousand dollars per annum, to be paid by the treasurer of this state on the warrant or warrants of the comptroller.

Insane may be removed to asylum. 12. *And be it enacted*, That if any person confined in said prison under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated, shall, upon information of the fact from the physician of the prison, institute a careful investigation; call two respectable physicians and other creditable witnesses if necessary, invite the attorney general to aid in the examination, and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge may order his safe custody and removal to the state lunatic asylum, where he shall remain at the expense of the state, until restored to his right mind; and then if his term of imprisonment shall not have expired, the superintendent of the asylum shall inform the said judge and the attorney general of the fact of his recovery; whereupon he shall be remanded to the prison to serve out the unexpired portion of his term of imprisonment; and the said judge shall receive the sum of thirty dollars for the performance in any case, of the duties imposed by this section, and the attorney general shall receive a compensation in each case to be fixed by the said judge, and paid upon his certificate by the treasurer, upon warrant of the comptroller.

Repealer. 13. *And be it enacted*, That the act entitled "An Act for the government and regulation of the State Prison," approved April sixteenth, eighteen hundred and forty-six, and the supplement thereto approved April third, eighteen hundred and fifty-five, the supplement thereto approved March thirtieth, eighteen hundred and sixty-five, the supplement thereto approved March fifteenth, eighteen hundred and sixty-six, the acts relative to the teacher and moral instructor to the convicts in the state prison, approved respectively, February ninth, eighteen hundred and forty-eight, and March twentieth, eighteen hundred and sixty five, be and the same are hereby repealed, together with all acts and parts of acts, inconsistent with the provisions of this act, to the extent that they are so inconsistent.

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

Approved March 26, 1869.

CHAPTER CCLXXXII.

An Act relative to the Board of Chosen Freeholders in and for the County of Passaic, in the State of New Jersey.

Board of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Passaic, shall hereafter consist of one chosen freeholder for each township, in the county of Passaic, and one for each ward in the city of Paterson, instead of two as heretofore.

One elected from each township and ward.

2. *And be it enacted*, That hereafter there shall be elected in the several townships in the county of Passaic, and in the several wards of the city of Paterson, at the regular annual spring elections in said townships and wards respectively, not more than one chosen freeholder for each of said townships and wards.

Repealer.

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

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

Approved March 25, 1869.

CHAPTER CCLXXXIII.

A Supplement to the act approved March eleventh, anno domini eighteen hundred and sixty-eight, entitled "An Act to provide for the appointment of commissioners to devise plans and make estimates for the opening, construction and maintenance of one or more prominent avenues or highways in the county of Hudson," to give power to construct the works thereby proposed.

Preamble.

WHEREAS, under the said act Henry M. Traphagen, John R. Mullany, Orestes Cleveland, Abraham W. Duryee, John H. Bonn, Patrick McNulty and William Clarke, were duly appointed commissioners to perform the duties enjoined therein, and said commissioners have made their report to the board of chosen freeholders of the county of Hudson, as by said act directed, and said board have transmitted to the legislature said report and a map of the avenues proposed; and whereas, the said avenues extend through nine different municipalities, and convenience and economy, as well as uniformity in the plan and execution of the works can be secured only by charging one board with the execution thereof, and said works are sufficiently important to justify the granting of the powers hereinafter given; therefore,

Commissioners shall prepare and file a particular description of avenues recommended by them.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners and their successors in office, shall cause to be prepared and filed in the clerk's office of the county of Hudson within six calendar months hereafter, a particular description of the location of the avenues heretofore recommended by them, and the general courses of which are indicated on the said map; the said description shall not vary from the lines intended to be represented on said map, above one hundred feet laterally at any one point, except on that portion of the more westerly avenue lying north of the Paterson plank road, and except on that portion of the said more westerly avenue lying south of the New Jersey railroad cut, on which said portions, upon petition of the majority of the property owners on the present lines thereof, the said description may vary laterally and not

otherwise, not to exceed six hundred feet from said present lines thereof; if the owners of a majority of the land on the sides thereof shall so request, any of said avenues which on said map are laid down more than one hundred feet, or less than one hundred feet, may be made in said description of the width of one hundred feet; *provided*, that portion of the most easterly avenue line lying south of stone A in West Hoboken shall be of the same width as it is made in Hudson City north of Newark avenue; the said description of the location shall be authenticated by the signatures of the said commissioners or their successors in office, or a majority of them; within three months after such description is filed, the said commissioners shall file in said office an accurate map or maps, authenticated as aforesaid, of the routes of said avenues as particularly described in said description; the said accurate map or maps shall show with all reasonable distinctness where the present streets and roads as now used are coincident with or fall within the lines of the avenues hereby authorized to be constructed, and shall also show where those streets and roads which are now in actual use do cross said avenues, and shall, as guides to the public as to the location, place upon said map or maps the names of the owners, or reputed owners, of the tracts through which said avenues pass.

Proviso.

Also map or maps.

2. *And be it enacted*, That the clerk of the county of Hudson shall, within ten days after the filing of said accurate map or maps, publish in all the newspapers published in the county of Hudson, in every issue thereof during two weeks, a notice of such filing, which notice may describe said map or maps as "map of the avenues laid out and to be opened under the Hudson county avenue act," and state the date of its approval; from and after the expiration of said two weeks all owners of land, contractors, builders, and all other persons, shall be deemed to have notice that avenues are to be opened, constructed, and used as laid down on said map or maps; such owners, contractors, builders, and other persons, shall thereafter make all improvements upon the lands of said owners, to conform to the routes of said avenues; any owner or owners, contractor or builder, or other person interested, not so conforming, shall not be allowed, in estimating the compensation due to him, her or them for the location, laying out, opening, constructing and use of said avenues, any damages or other compensation for any property which, after the filing of said accu-

County clerk shall publish notice of such filing.

All owners of lands, &c., shall be deemed to have notice, and must conform thereto.

No compensation shall be allowed for damages in case they do not conform.

rate map or maps and the publication of notice thereof, shall have been put upon the lands lying within said location, nor any damages for injury done which would not have been done if said improvements had been made so as to conform to said avenue so to be laid out, opened, constructed and used; in case, however, any person interested, shall make it appear to the appraisers of compensation and damages that he, she or they, in good faith, and without any intention of increasing his compensation, and without notice or knowledge of the location of said avenues, entered into any contract for having put or putting upon the said lands within the lines of said location any building or other improvement, and abandoned his, her or their purpose on receiving such notice, and by such abandonment suffered loss or damage, said appraisers may allow such portion thereof as they shall deem equitable; *provided, also*, that in any case in which the commissioners may deem it most economical, they may request any owner to go on with any erection instead of stopping it at once, and in such case the owner shall continue said erection to such state of completeness as the commissioners shall request, and shall be compensated accordingly.

Unless it is done ignorantly.

Proviso.

May enter and pass over lands, &c.

3. *And be it enacted*, That the said commissioners, or their successors in office, may enter upon and pass over all the lands in or near the said avenues, prior to their filing their map or maps, and after that, may (first making the compensation hereinafter provided), enter upon, from time to time, such portions of the lands and buildings lying within the said avenues, and remove therefrom any buildings or other thing upon said lands, and construct on said lands, the avenues hereby authorized to be made, and open to public use, such portions of the lands not yet open to public use, within the lines of said avenue, from time to time as they shall think it advisable, until the whole thereof are open and fit for use; in order to expedite the construction of said avenues, the same shall be divided into at least six sections, and the work on said sections shall be commenced, prosecuted and completed simultaneously, or as nearly so as circumstances will permit; and all of said avenues shall be opened and fitted for use within five years from the date hereof; *provided also*, that no person in possession of any dwelling house, store or shop, shall be disturbed, nor any dwelling house, store or shop, church, engine or school house or other public structure, be taken down, removed or destroyed be-

Work on avenues may be done by sections.

Proviso.

fore the expiration of one year after the said publication of notice of the filing of the said accurate map or maps, except by consent of the person in possession as well as the owner thereof; the said commissioners shall (making compensation therefor) have power to take and appropriate any earth, rock or other material near the line of said avenues, for the purpose of constructing any part of said avenues; all work and all materials of or exceeding one thousand dollars, shall be done or furnished by contract; the commissioners and their successors in office, shall advertise for proposals for doing any work or furnishing any material amounting in the whole to one thousand dollars or more, for at least one month but not more than three months (according to the extent and nature of such work) in all the papers of the county of Hudson, and also in their discretion in one or more of the principal daily papers of New York city and shall thereafter give the contract or contracts to the lowest responsible bidder with good and sufficient sureties; the commissioners shall cause a sufficient number of copies of all contracts amounting to one thousand dollars or more, and the specification thereunto belonging to be printed and to be distributed along the line of the particular section where said contract or contracts are to be executed.

May appropriate earth, &c.

Work done by contract.

4. *And be it enacted*, That the said commissioners, or their successors, shall construct said avenues by excavating and removing earth, rock, trees, stumps, buildings, and all other improvements, and disposing of such portion thereof as are not needed in the construction of said avenues to the best advantage, at public auction, and filling up any low parts of the route, and otherwise preparing the premises for said avenues; and by building all bridges on said avenues and all necessary sewers and culverts within or without the lines of said avenues; *provided*, the said avenues shall not be constructed upon any grade different from that established by the municipal authorities (if any has been established) without the consent of such municipality, and in such case compensation shall be made to the person injured (if any there shall be who are injured by such alteration of grade): *and provided also*, that the said avenues may be constructed in such parts thereof as the owners of land on the sides thereof request to be so constructed, of Belgian or other blocks for pavements; or if no such request be made, then the construction thereof shall be in such substantial manner as will combine hardness, even-

Commissioners to construct avenues.

Proviso.

Proviso.

ness and durability with economy; the said commissioners, or their successors in office, shall determine the width of the carriage way and of the sidewalks, and relay in their proper place, and so as to conform to the commissioners' plans all curbing and flagging that they shall take up in constructing said avenues, but the local authorities are to curb and flag the other sidewalks which it shall be proper to curb and flag, as the said several municipalities are now authorized to do with reference to said sidewalks, and to keep the same in repair; *and provided also*, that the average cost per mile of construction of said avenues shall not exceed forty thousand dollars, exclusive of the compensation and damages to be paid for the use of the land and improvements thereon, and the extra cost of paving with Belgian blocks, if any there be; *and provided also*, that except to cross the same, no horse or dummy railroad shall be allowed on said avenues or within two hundred feet thereof, and for that purpose the said commissioners shall have power to make an arrangement with the owners of any railroad located, or heretofore authorized to be located on any part of said avenues, to remove the said railroad from the said avenue, and to relinquish their right thereon, and such commissioners may, as a part of the arrangement for the removal of said railroad, stipulate, in behalf of the state, and the public, for the use of other roads or streets by said owners of said railroad, and for the owners of said railroad having the refusal of the privilege to lay the rails in said avenues, in case the privilege is ever thereafter granted.

Determine width of carriage way.

Proviso.

Proviso.

May make arrangement with railroads for removal.

5. *And be it enacted*, That the owners of that part of the lands over which said avenues are authorized to be laid, which is not already lawfully in public use, shall be entitled to compensation for the use thereof hereby authorized, and the owners of any building or part thereof, or other improvement which it shall be necessary to remove, take down or destroy, shall be entitled to compensation for such building or part thereof so to be removed, taken down or destroyed, and the owner of any building which is situated partially, but not wholly within said avenues may require said commissioners to take the building, and as much of the lot or curtilage outside of the avenues as shall be reasonable, and pay the full value thereof, to be ascertained as all other compensation is herein provided to be ascertained.

Owners of lands entitled to compensation.

6. *And be it enacted*, That the money necessary to pay the cost and expenses of executing this act and of the laying out,

Cost and expense assessed upon lands.

opening and constructing the said avenues and the compensation, in this act directed to be made, shall be raised by assessing so much thereof as shall be equal to any peculiar benefit conferred upon any lands in the county whether adjacent or not to said avenue, upon such lands so peculiarly benefited, in proportion to the benefit received; if said costs and expenses and said moneys shall exceed the value of the benefits conferred upon the lands, last mentioned, such excess (if any) shall be borne by the public at large of the county of Hudson and shall be raised by tax on all the lands in the county, and on the goods and chattels therein owned by residents thereof the proportion of such tax to be raised on the lands, goods and chattels in any township or ward of any city or town, shall be determined by the board of chosen freeholders, and shall be included by the board of chosen freeholders of the county of Hudson in the amount of tax to be raised for county purposes, and when raised shall be paid to said commissioners or their successors in office.

Commissioners shall keep avenues in repair.

7. *And be it enacted*, That the commissioners and their successors in office shall keep the oversight of said avenues and cause the same to be kept in good repair by and out of moneys to be raised by annual county tax in the manner prescribed in the last section for the county tax therein mentioned, and the amount of the money necessary to be raised shall annually be determined by the said commissioners prior to the usual time at which the said board of chosen freeholders fixes the amount of county taxes, and said commissioners shall immediately give notice of such amount to the said board.

Board of freeholders may issue coupon bonds in anticipation of assessments.

8. AND WHEREAS, it may appear to the board of chosen freeholders desirable to anticipate the collection of the assessments, and afterwards to give time to the persons whose property is assessed to pay the assessments; *be it further enacted*, that it shall be lawful for the said board of chosen freeholders of the county of Hudson to issue to such persons as said commissioners shall name, the coupon bonds of the said board of chosen freeholders, each for a principal sum not exceeding one thousand dollars; the principal sums whereof in the whole shall not exceed the sum of one million dollars, unless the total amount of the assessments and interests required to be assessed by the sixth section of this act shall exceed that sum, and then only to the amount of such excess; the said bonds shall be called "Hudson County Avenue

Name of bonds

Bonds," shall be payable on or before the expiration of fifteen years from the date thereof, at the option of the said board of chosen freeholders, and shall bear interest at the rate of ten cents per day on every five hundred dollars, interest payable semi-annually, and the last interest on the day when the principal is payable, whether at the end of a half-year or not; and said commissioners may sell the said bonds at a discount not exceeding five per cent., and all moneys received by said commissioners from any source shall be paid to the treasurer, who shall be the county collector of the county of Hudson for the time being, and said commissioners shall, with the proceeds of said bonds, pay all the compensation aforesaid and all other expenses of executing this act; and shall also pay to the county collector, from time to time, so that he may meet the interest on such bonds, so much of said proceeds as shall be necessary beyond the money realized from assessments; for the ease of the persons liable to pay said assessments, the commissioners may forbear to collect said assessments for a time and arrange for the payment thereof by equal installments not exceeding ten in number, nor more than one installment in any one year; as the said assessments, or any part thereof, are paid to said commissioners, they shall pay the same over to the county collector, in order that the principal and interest of said bonds may be liquidated thereby, and that the whole of the bonds so issued by the board of chosen freeholders, and all interest thereon, may be discharged out of the said assessment moneys, which said moneys are pledged for the payment of said bonds as well as the real and personal estate in the county of Hudson; in order to pay off the said bonds as promptly as is possible, the county collector, so often as he shall have on hand as much as, or more than ten thousand dollars received from said assessments, and shall by lot determine which bonds shall be paid off and discharged, and shall immediately after the drawing give public notice for thirty days, in a newspaper published in said county, that the bonds drawn, designating them by their numbers and the name of "Hudson County Avenue Bonds," will be paid on presentation to him, and if any of said bonds so drawn shall not be presented to said county collector for payment within ten days after the expiration of said advertisement, interest thereon shall cease.

Assessments may be paid by installments.

9. *And be it enacted*, That the compensation to be paid to owners of land and buildings, as provided in this act, shall

How compensation shall be made to owners of lands.

be ascertained by appraisers, of whom there shall be nine sets; each set shall consist of three disinterested freeholders, and each appraiser shall hold office until the expiration of two years from and after the first day of May next; all the appraisers of any one set shall reside in the same city, town or township, and shall act as appraisers only with reference to lands and buildings in the city, town or township in which they reside; the appraisers shall be appointed by the board of chosen freeholders of the county, and each one shall take an oath to act justly and honestly as appraisers under this "The Hudson County Avenue Act," by which title this act may be known, referred to and cited; the said board of chosen freeholders shall appoint said appraisers from time to time, as it may be requested by said commissioners and said appointment shall be in writing, authenticated by the signature of the director of said board, and all vacancies by death or removal from city, town or township, resignation or otherwise, in the office of appraiser, may, on application of the commissioners, be filled by the board of chosen freeholders in the same manner, and said appraisers shall receive such compensation as the board of freeholders shall determine.

Commissioners may agree with persons entitled to compensation

10. *And be it enacted*, That the said commissioners may, instead of pursuing the method of ascertaining compensation by appraisers herein prescribed, agree with all persons entitled to compensation under this act as to the amount of such compensation, and said agreement when approved by the said board of freeholders and not before shall be binding on the parties respectively, and thereupon the person so entitled shall dedicate by writing, under his hand and seal, the lands or other property agreed for the public uses provided for by this act, or that shall be prescribed or imposed upon the same by any subsequent act, and the commissioners shall take care that said instrument of dedication shall be properly preserved and acknowledged or proved, as well as recorded as deeds of conveyances are or may be, in which latter cases the same shall be considered as deeds of conveyances are when so acknowledged and recorded.

Notice of hearing before the appraisers and their determination.

11. *And be it enacted*, That the commissioners shall from time to time give ten day's notice to the proper appraisers and to the persons entitled to compensation on what day and at what hour and place they will ask the said appraisers to hear evidence as to the compensation for the land or buildings of the persons so notified, and at such time and place,

and at any other time and place to which said appraisers may adjourn they shall hear the commissioners and the parties interested if they appear, and the witnesses of the commissioners and of said parties, and determine the compensation that ought to be paid to the persons so notified, and openly and publicly declare the amount thereof, and then or afterwards by writing signed by them, or a majority of them, make a statement of their proceedings and said adjudication, which statement shall be recorded in the office of the clerk of the county of Hudson, first being duly proved and acknowledged as deeds are, and it as well as said notices shall contain a carefully prepared description of the boundaries of the land for which compensation is to be made, and state whether there are any and what kind of building or part of a building thereon for which also compensation is to be made, and in case the owner is authorized to and does request the commissioners to take more land or more of the building than lies within the avenue, the description of the additional part also shall be contained in said statement, and when said request is made prior to the notice, the notice shall contain a description of the part requested to be taken outside of said avenues.

Statement and adjudication.

12. *And be it enacted*, That the said statement and adjudication of said appraisers shall be plenary evidence of the title, with reference to the lands and buildings in said statement described, and the lands heretofore used as roads or streets within the lines of said avenues, of the commissioners to proceed and do all the acts they are hereby authorized to do, they, the said commissioners first paying the said compensation so adjudged.

Parties aggrieved may appeal.

13. *And be it enacted*, That if the person to whom such compensation shall be awarded is, or the said commissioners are dissatisfied with the amount thereof, either party may appeal from the said adjudication to the circuit court of the county of Hudson, which is hereby given jurisdiction to rehear the said matter and to cause a proper issue to be framed to try the question of compensation, and to have the same tried by jury as an issue out of the supreme court in a civil action is tried in the said court, but such appeal shall not restrain the commissioners from constructing said avenues, over said lands and removing said buildings if said compensation found by said appraisers shall have been tendered; if the jury shall find more than the appraisers, the costs of

such appeal shall be paid by the commissioners, but if the jury find less or confirm said amount, the costs of appeal shall be paid by the owner; in case any parties entitled to compensation cannot be found to whom to pay the same, or are unknown, or labor under disabilities, payment of such compensation into the circuit court of the county of Hudson shall be equivalent to payment of the parties entitled.

Notices, how served.

14. *And be it enacted*, That all notices required by this act, unless otherwise provided, shall be in writing, and shall, if the person reside in the county of Hudson, be served personally upon the party entitled to notice, or left at his usual place of abode; or, if such party does not reside in the county, or is a married woman, or an infant, or a lunatic, or an idiot, such notices shall be published in such newspapers published in the county of Hudson as the commissioners shall determine, for double the length of time that notice personally served is required; and in case the persons entitled to notice, or any of them are unknown, a general notice to those whom it may concern shall be published in like manner; and in the case last mentioned, there shall also be a notice posted on some part of the premises of the party interested of the effect of such notice last mentioned.

Assessors how selected.

15. *And be it enacted*, That the board of chosen freeholders of the county of Hudson, on request of said commissioners, shall make application in writing, authenticated by the signature of the director, to the circuit court of the county of Hudson, for the appointment of seven assessors to perform the duties hereby required of such assessors, and shall accompany said application with a list prepared by them containing the names of not less than twenty-four freeholders resident in said county, honest, competent and judicious, in the opinion of the said board, to perform the duties of assessors, and thereupon the said court shall select and designate in writing any seven of the persons named in the said list, and the said seven persons so selected shall perform the duties required of said assessors under this act; said application and appointment shall be filed in the clerk's office of the county of Hudson.

Duties of assessors, and proceedings under this act.

16. *And be it enacted*, That the said commissioners shall cause to be laid before the said assessors a copy of all the appraisements made under the eleventh section of this act, and a statement of the costs and expenses hereinafter required to be assessed, with proper maps; and the said asses-

sors, after taking an oath to honestly and justly perform the duties required of an assessor under the Hudson county avenue act, shall proceed to consider and determine what lands in the said county are peculiarly benefited by the laying out of said avenues, and the amount that each lot or parcel is so benefited, and if the whole amounts of the benefits shall be equal or exceed the costs and expenses of executing this act, so far as they shall have accrued up to the time of such assessments, including the amount of said appraisements, but excluding any cost or expense of construction, though some may have accrued, then the assessors shall assess the said costs and expenses upon each lot or parcel of land so benefited, in proportion to the benefit received; and in case the benefits shall not amount to the sum of such costs and expenses, the said assessors shall assess as much of the said costs and expenses as equals the said benefits upon each lot or parcel of land in said county so benefited in the proportion aforesaid, and as to the residue thereof, the said assessors shall report to the board of chosen freeholders of the county of Hudson what the amount thereof is, to the end that the same may be raised in the proportions and in the manner specified in the sixth section of this act; and said assessors shall give at least ten days' public notice of their meeting, to perform the duties required of them by this act, specifying therein generally the purpose of said meeting, and being once met, the said assessors may adjourn from time to time until the purpose of those assembling may have been accomplished, but no notice of any adjourned meeting shall be necessary; and when the said assessors shall have performed all the other duties in this section required of them, they shall make their report to said commissioners in writing of their said determinations and assessments, and shall accompany the same with at least one map, and at least one schedule for every city, town or township in which said benefits shall be assessed, and the names of the owners or reputed owners of the lots shall be written upon the lots or parcels as laid down in said maps, or it shall be stated that the owners are unknown; and there shall be as many duplicates of said report as there are cities, towns and townships in which benefits are assessed, in the clerk's office of each one of which said reports shall be filed, and there shall be a duplicate of each of said maps and schedules, one of which said duplicate maps and schedules shall be filed in the clerk's office of the city, town

or township to which it relates, for the examination of the public; the original report and maps and schedules shall be temporarily lodged in the office of the clerk of the county of Hudson for the examination of the public; and the said clerks of said cities, towns and townships, shall respectively within ten days thereafter give notice of the filing of said reports and maps and schedules in their said offices by posting for three weeks, notices in five public places in their city, town or township, and said commissioners shall give a like notice by advertising the same in all the newspapers published in said county, for three weeks in every issue of such newspapers, and the notice of said commissioners shall also state a time and place, when and where the said commissioners will meet to receive objections in writing to said report, assessment and determination; if any person or corporation aggrieved by said assessments and determinations, by any act or thing upon which the same are or is founded, shall not give to said commissioners notice of his said aggrievance or complaint, and of the grounds thereof in writing within sixty days after the filing of said report, he, she or it shall be deemed to have waived such ground of complaint, and the said commissioners shall receive and consider the said objections so made in writing, and if any of them appear to be well founded, they shall require the said assessors to review the said assessment, and make a new report upon the same, re-adjusting the assessment; but in making such review or re-adjustment, said assessors shall not re-adjust any assessment on any land lying outside of the city, town or township in which the land lies, the assessment on which they are required to review and re-adjust; the share of the said costs and expenses that ought to be assessed upon any lot or parcel of land, and all the costs of assessing and collecting the same, shall be a lien on the said lot or parcel of land until the same shall be paid, from and after the date that the said commissioners shall approve of such assessment of such share; *provided however*, that no stipulation contained in any deed or agreement whereby incumbrances or assessments are guaranteed against, shall be construed to guarantee against any more of said assessment than the installment which shall then be due, unless said deed or agreement shall specifically declare the intention thereof to be to the contrary, and how many of the said installments it is intended to guarantee against, and said commissioners shall approve all of said assessment that they

Any person aggrieved may make objections to assessment.

Proviso.

Action of commissioners.

do not require said assessors to review and re-adjust, and as to that part of said assessment, they shall approve of that so soon as the assessment shall have been reviewed and re-adjusted, if the same shall appear to have been re-adjusted properly, and in case the said assessment, or any act of said assessors, shall be removed to any court of review, the said assessment shall not be set aside for any excess of assessment unless it shall appear that the said assessment was greater than the actual benefit the said laying out and opening of said avenue was to any lot or parcel of land on which said reviewed assessment may have been made, and the said court of review, in case they set aside such assessment, shall appoint the same or other assessors to review the said assessment and re-adjust the same and re-assess the lands, the assessment upon which shall so have been reviewed before the said court, and said assessors so appointed by said court shall add to the former costs and expenses the costs and expenses of such review in said court and of said re-assessment.

How assessments shall be collected.

17. *And be it enacted*, That the sums of money so assessed under the sixteenth section of this act shall be collected in each city, town and township by the collector of revenue or city, town or township collector, if they shall give bonds to said commissioners by the name of the "Hudson County Avenue Commissioners," in such sum as such commissioners shall approve, and with condition to collect and pay over the sums so assessed, with interest, to the said commissioners, or in case any such collectors shall not give such bond, the said commissioners may appoint a collector of assessments in such city, town or township, who shall give like bond, and said collector of assessments, either those first or those last mentioned, shall pay over the money so collected to the said commissioners.

Payable in installments.

18. *And be it enacted*, That the said assessment shall be payable in ten equal installments, with interest on all sums unpaid; that is to say, one-tenth of said assessment, and interest at eight per centum per annum, on the first day of October in each year, after the said assessment shall have been approved by said commissioners, but in case the owner of any lot or parcel of land assessed shall fail to pay any installment at the time that it shall become due, interest thereon at twelve per centum per annum shall be added to the said assessment, and become a lien on the lands so assessed, but any owner whose land is assessed may discharge his land or any part

Failure to pay creates a lien on lands.

thereof from the lien of said assessment by at any time paying the whole of the assessment on said lands to the said commissioners, and thereupon said commissioners shall authorize the county clerk and the proper town clerk to enter a memorandum of such payment and discharge of said assessment upon the schedule annexed to the assessors' report.

Further duties of assessors.

19. *And be it enacted*, That after the said avenues shall be constructed and opened, and fit for use, the same assessors mentioned in the fifteenth section of this act shall be charged with all the duties with respect to assessing on the lands benefited the cost and expenses excluded from the former assessment, including all discounts and interests allowed or paid by said commissioners as they are hereinbefore charged with in respect of said costs and expenses included in said former assessment, and like proceedings shall be taken, with reference to the new assessment, by the commissioners and all others charged with any duties respecting the former assessment, that were prescribed to be taken with reference thereto; and the said new assessment shall be payable and collectable in like manner, and shall with the costs of assessing and collecting the same, be a lien on the lands assessed from the like time; and all stipulations in any deed or agreement, with reference to incumbrances or assessments shall be construed to the new assessment as it was hereinbefore required they should be construed with reference to the former assessment; and all vacancies in the office of assessor occasioned by death, resignation, inability to act or neglect to act, removal from the county or otherwise, may be filled by the said circuit court of the county of Hudson, on representation of such vacancy and proof thereof made to said court by said commissioners, and in case any assessor shall not take his oath of office and file the same with the clerk of the county within thirty days after his appointment, his office shall be vacant.

Vacancies.

Commissioners to be divided into classes.

20. *And be it enacted*, That the commissioners heretofore appointed and herein named shall, by lot, divide themselves into three classes, one of which classes shall consist of two members who shall hold their offices for the term of two years from the date hereof; another of two members who shall hold their offices for the term of four years from the date hereof; a third of three members who shall hold their offices for the term of five years from the date hereof; and all commissioners hereafter appointed, shall hold their offices for the un-

expired term of the commissioner whose successor they shall be; after the term of the first class shall expire the successors of the said commissioners of that class shall hold their offices for five years, and so of each class so that the terms of office of all of said commissioners shall finally be for five years, and all vacancies in the office of said commissioners, whether occasioned by death, resignation, neglect to act, removal from the county or otherwise, shall be filled in the same manner that the said commissioners were originally appointed, except that the board of chosen freeholders shall nominate to the said circuit but three names for every commissioner to be appointed, and any of the said commissioners who shall prove unfaithful to his trust, may be removed by the board of chosen freeholders after giving notice to the alleged delinquent commissioner, of the specific charge and hearing him in his defence.

Vacancies.

Commissioners, &c. to give bonds.

21. *And be it enacted*, That each of the said commissioners shall give bonds to the board of chosen freeholders of the county of Hudson in such sum as said board shall fix, not less than twenty thousand dollars, conditioned for the faithful performance of his duties as such commissioner, and all the engineers and surveyors of said commissioners shall give such bonds to said commissioners by their name aforesaid as said commissioners shall require, and said commissioners shall have power to employ all agents, surveyors and engineers, and remove them at pleasure and fix their compensation; *provided*, that no greater compensation shall be paid to the engineers or surveyors herein named, than the usual amounts now paid by the different cities and townships of Hudson county.

Proviso.

Not to be interested in contracts.

22. *And be it enacted*, That no commissioner, engineer or surveyor employed by them, shall at any time be interested in any proposal, bid, or contract that shall be made by or offered to or made with said commissioners, and such interest shall be good cause of removal of such commissioner, engineer or surveyor.

Shall take oath.

23. *And be it enacted*, That the said commissioners shall, before entering upon any of the duties imposed upon them by this act, take an oath to faithfully and honestly perform the duties required of him by this, the Hudson county avenue act, which shall be filed in the office of the clerk of the county of Hudson; and the engineers, surveyors, and all other agents of the said commissioners shall take an oath that he will in

all his acts connected with the public works authorized by this, the Hudson county avenue act, faithfully serve the public in all respects, and be and remain uninterested in any contract, proposal or bid before mentioned.

Shall keep regular accounts.

24. *And be it enacted*, That the said commissioners may establish such regulations for the authentication of all their acts and contracts as to them shall seem convenient; they shall keep a record of all their meetings and proceedings, and regular accounts of all moneys received and expended, and report such accounts in detail annually to the board of chosen freeholders of the county of Hudson; and the said board of chosen freeholders shall, within thirty days after receiving the said report, cause the same to be published in at least three newsapers published in the county of Hudson, for the information of the public.

Compensation

25. *And be it enacted*, That the compensation to the said commissioners and assessors shall be fixed by the board of chosen freeholders of the county of Hudson.

Moneys to be drawn from county collector.

26. *And be it enacted*, That all moneys that shall be required by said commissioners to pay the expenses of executing the act to which this is a supplement, and executing this act up to the time that the said commissioners shall request the first appointment of appraisers under this act, shall be paid by the county collector to the said commissioners on their warrant, and the amount of the same shall be reimbursed to said county collector in the same manner as is required by the sixth section of the act to which this is a supplement.

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

Approved March 26, 1869.

CHAPTER CCLXXXIV.

A Supplement to the act entitled "An Act to incorporate the Mount Holly, Lumberton and Medford Railroad Company," approved April second, eighteen hundred and sixty-six.

Authorized to lease railroad, and lessee may endorse bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Mount Holly, Lumberton and Medford Railroad, be and the said company is hereby authorized to lease its railroad to any other railroad company, which is hereby authorized to take such lease and operate the same for such term or times, and on such terms as the said parties may agree upon; and the said company which shall take, or agree to take a lease of said railroad, shall be and is hereby authorized to endorse or guaranty the bonds of the said Mount Holly, Lumberton and Medford Railroad Company, and in any other way which the parties may agree upon aid the said company in the construction of its said railroad.

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

Approved March 30, 1869.

CHAPTER CCLXXXV.

An Act to Prevent Accidents on Railroads.

Injuries on railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall be injured by a locomotive engine, car or cars, whilst walking, standing or playing on any railroad in this state, or by jumping on or off a car whilst in motion, such person shall be deemed to have contributed to the injury sustained, and shall not recover

any damages therefor from the company owning or operating the said railroad; *provided, however*, that this section shall not apply to any person or persons crossing a railroad at any lawful public or private crossing. Proviso.

2. *And be it enacted*, That hereafter no railroad shall be laid upon any bridge across the Delaware river intended for public travel, unless special authority for that purpose be given by legislative act, particularly designating the bridge to be subjected to such use. No railroad to be constructed upon bridge without legislative act.

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

Approved March 30, 1869.

CHAPTER CCLXXXVI.

Supplement to an act entitled "An Act to incorporate the New York and Long Branch Railroad Company," approved April eighth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said New York and Long Branch Railroad Company be and they are hereby authorized and empowered to extend their road from the beginning point, as laid down in the act to which this is a supplement, across the Raritan river, and to connect the same at or near Perth Amboy with the Woodbridge and Perth Amboy Railroad Company, or any railroad now or hereafter to be built; and shall have, in relation to said extension, all the rights, powers, privileges and restrictions contained in the act to which this is a supplement, with power to cross the said river by means of a bridge or a ferry, as may be most convenient. Extension of road, and may connect with other roads.

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

Approved March 30, 1869.

CHAPTER CCLXXXVII.

A Supplement to an act entitled "An Act to authorize the extension of the Buildings of the Soldiers' Children's Home," approved April third, eighteen hundred and sixty-eight.

Preamble. WHEREAS, the appropriation made under the act to which this is a supplement has been insufficient for the completion of the extension and improvements of the buildings of the Soldiers' Children's Home; therefore,

Appropriation for soldiers' children's home. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby directed to pay to the commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, any sum not exceeding five thousand five hundred dollars for the completion of said extension and improvements.

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

Approved March 30, 1869.

CHAPTER CCLXXXVIII.

Supplement to an act entitled "An Act to incorporate the Mutual Live Stock Insurance Company," approved April first, eighteen hundred and sixty-eight.

Amount of capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said "The Mutual Live Stock Insurance Company" is hereby authorized to raise, for the greater security of the policy holders of said company, a guaranty fund of such amount as the directors of the company may determine, not less than ten thousand dollars nor

more than one hundred thousand dollars, in the form of capital stock divided into shares of not less than ten dollars each; and when at least ten thousand dollars shall be subscribed and fully paid in cash, the company may then issue certificates of stock therefor, exempt from assessment, and may at any subsequent time re-open their books for further subscriptions; for which stock said company may undertake to pay such per centage annually or semi-annually, as may be agreed upon by the company and the subscribers to such fund, not, however, to exceed the rate of seven per centum per annum (free of taxes), upon the amount actually paid in cash, and also to pay to said subscribers such part of the surplus earnings of the company, as may in like manner be agreed upon; with power also to make requisite provision in such agreement for the payment of installments on such subscriptions, and for making assessments thereon, and for forfeiture in case of non-payment.

Certificates of stock.

Dividends.

2 *And be it enacted*, That the subscribers to such fund who shall have paid up all installments and assessments made and due on their respective subscriptions shall be members of the company and shall have the sole power to elect the directors (who shall be stockholders) of the company.

Directors, and how elected.

3. *And be it enacted*, That said company shall not hereafter be required to publish notice of its annual or other meetings in any county wherein there shall not be a resident acting director, and that anything in the act to which this is a supplement inconsistent with or contrary to the provisions of this act is hereby repealed.

Notices of meetings.

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

Approved March 30, 1869.

CHAPTER CCLXXXIX.

An Act to incorporate the Englewood Atheneum.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Hoadley, Daniel Drake Smith, E. S. Munroe, J. Wyman Jones, John W. Kelbreth, W. R. Vermilye, Nathan J. Johnson, J. Smith Homans, junior, Thomas H. Haring, William King, Aldrich Jeffries, A. Humphrey, Cornelius Lydecker, Herbert Turner, and such other persons as may become their associates, their successors and assigns, are constituted and declared to be a body

Name.

politic and corporate, by the name of "The Englewood Atheneum," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts and places whatsoever, and may have a common seal, and change and alter the same at pleasure; and they and their successors by the said name shall be capable in law to purchase, take, receive and hold, improve, lease, sell and convey any lands, tenements or personal estate whatever, and to raise loans upon the same by mortgage or otherwise, and to rent out the same and receive the rents and emoluments thereof, as to them shall appear most advantageous for promoting the purposes of this corporation.

Management.

2. *And be it enacted*, That said corporation shall be governed, directed and managed by a board of trustees, composed of nine persons residing in Englewood, to be elected annually in each and ever year, in such manner as may be prescribed by the by-laws of said corporation, and that the first trustees shall be chosen by ballot at a meeting of the persons named as corporators in the first section of this act, to be held at the Englewood House on the first day of April next, a majority of the ballots of those present at such meeting being necessary to elect, and that any board of trustees duly elected under this act shall hold their offices until their successors are elected.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be

deemed personal property, and shall be transferable and assignable in such manner as the by-laws may direct; that whenever forty per centum of said capital stock is subscribed, said board of trustees are authorized to undertake the execution of the objects and purposes of the corporation, the principal object of which corporation shall be to furnish a public hall in Englewood, to be used for the public good, and to provide suitable accommodations for a reading room and public library.

May issue bonds and secure the same by a mortgage

4. *And be it enacted*, That said corporation shall have power to issue their bonds, secured by a mortgage on their real estate, payable at such times as the board of trustees shall determine, with seven per centum semi-annual interest for such portion of the capital stock as is not subscribed for (and for no greater sum) which bonds shall be convertible into stock at the option of the holders thereof.

Powers.

5. *And be it enacted*, That the board of trustees of said corporation shall have power to enact by-laws for the government and management of its property and general affairs, and shall have power to alter, amend or repeal the same; that said by-laws shall prescribe the time and place for the election of trustees, the number and duties of the officers of said board of trustees and corporation, the manner in which said trustees shall be elected, and the way in which vacancies in said board of trustees, or in any of the offices, shall be filled.

Dividends.

6. *And be it enacted*, That upon the capital stock of said association, no dividends shall be made or profits divided among the shareholders in amount greater than ten per centum per annum upon each share, and that the residue of profits or surplus income over and above that amount of ten per centum (if any such surplus shall accrue) shall be expended for the purchase of books for a public library to be kept in the building of said corporation, which said library shall be under the management and control of the trustees thereof.

Corporation may accept sums as equivalent for perpetual lease of portions of building.

7. *And be it enacted*, That this corporation shall be authorized to accept from any individual or individuals, society or societies, any fixed sum or sums to be expended in the erection of a public hall, reading room and library building, as an equivalent for a perpetual lease of such portion of said building as said trustees shall deem equitable, and under such guarantees and restrictions as to them shall seem just, to be

forever set apart and enjoyed for the purposes and to the use specified in said lease; and said trustees are hereby authorized and empowered to make and execute such lease in due form; *provided, however,* it shall be so made and executed by the consent and approval of at least three-fourths of the said board of trustees, and not otherwise.

Proviso.

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

Approved March 30, 1869.

CHAPTER CCXC.

An Act to authorize the Trustees of the Methodist Episcopal Church of Toms River to sell and convey real estate.

Authority to sell and convey church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the Trustees of the Methodist Episcopal Church of Toms River, in the county of Ocean, or their successors in office, be and they are hereby authorized and empowered to sell and convey all the land and buildings thereon, situated in the village of Toms River, in the county of Ocean, now held in trust as the property, or for the use and former occupancy of said Methodist Episcopal Church of Toms River, by virtue of deeds made to the trustees of said church by George Cornelius and Edward Allen, bearing date the seventh day of August, anno domini eighteen hundred and fifty-two, and also deeds from J. G. Gowdy, bearing date the twenty-fifth day of January, anno domini eighteen hundred and sixty-two, and for that purpose to make, execute and deliver good and sufficient deeds of conveyance therefor to the purchaser or purchasers of the same, and that such deeds of conveyance shall be good and effectual in law.

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

Approved March 30, 1869.

CHAPTER CCXCI.

An Act to facilitate Clay Mining in the township of Woodbridge, county of Middlesex, New Jersey.

Preamble.

WHEREAS, the clay miners and fire brick manufacturers in the township of Woodbridge, own and possess lands in which are imbedded valuable clay in said township, lying on either side of the road leading from Woodbridge to Bonhamtown; and whereas, they are now mining one of said banks of clay on the easterly side of and near said road; and whereas, it is necessary that they should cross said road to reach their other clay banks and to effect sufficient drainage for the same; now, therefore,

Authorized to dig across public road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said clay miners are hereby authorized and empowered to dig through and across said road at their will and pleasure for the purposes above stated; *provided*, that before digging through and across said road they shall first provide a good and sufficient road to accommodate the public travel, to be located and constructed under and according to the directions of the township committee of the township of Woodbridge, who shall have power to prescribe the time for which the same shall be so used; at the expiration of which time the said township committee shall have power to direct and compel the restoration of said road mentioned in the preamble to its original condition as nearly as may be at the expense of said parties by or for whom the same has been changed.

Proviso.

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

Approved March 30, 1869.

CHAPTER CCXCII.

A Supplement to an act entitled "An Act to incorporate the Hamilton Horse Car Railroad Company, approved April second, eighteen hundred and sixty-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the six and thirteenth sections of the act to which this is a supplement, be and the same are hereby repealed.

May lay out and construct a railroad, and route.

2. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, and the necessary turnouts thereto, from the southerly terminus of Broad street, in the city of Trenton, or the railroad station there or near there, out and along the Crosswicks and Trenton turnpike in Hamilton township, to Chestnut avenue, as the same now is or may hereafter be opened; thence upon and along said avenue, as now or hereafter opened, to Greenwood avenue; and thence along said Greenwood or other avenues or streets to the chief railroad station at Trenton, as the same now is or hereafter may be located, with branches in such other avenues, streets or roads now opened or hereafter to be opened in said Hamilton township or said city of Trenton as may be deemed necessary; also, to lease or purchase the franchises and property of any other horse railroad company, or any part thereof, and construct a like railroad over the route or routes authorized by the same, said other horse railroad company being hereby empowered to rent or sell such franchises and property, or any part thereof, to the said Hamilton Horse Car Railroad Company, upon such terms and conditions as may be agreed on by the said companies; also, to connect with the road of any other horse railroad company, and to operate said road, or have their own road operated by such other company, it being hereby made lawful for any other company to connect with the said Hamilton Horse Car Railroad or to operate the same, upon such terms and conditions as may be agreed on by the said companies; also, to construct the said railroad and the branches aforesaid from time to time, and in such portions or sections as the said corporation shall deem expedient; *provided*, that the said

May lease and purchase property of other railroads.

May connect with other railroads, &c.

Proviso.

railroad shall not be constructed upon or along any turnpike or highway belonging to any incorporated company, except for the purpose of crossing the same, without the consent in writing of the board of directors, or a majority of them, of said incorporated company being first had and obtained, nor upon or along any public road, street or highway, except for the purpose of crossing the same, in the said township of Hamilton, without the consent in writing of the township committee thereof, or a majority of them, being first had and obtained, which said consent, when given upon such terms and condition as may be agreed on, shall not otherwise impair any existing rights or privileges of such incorporated company or said township of Hamilton; *and provided further*, that the said railroad, or the branches thereof, shall not be constructed through any of the avenues or streets of the said city of Trenton without the consent of the common council of the city of Trenton aforesaid being first had and obtained by an ordinance thereof; *and provided further*, that said railroad shall be so constructed as to interfere as little as conveniently may be with the avenues, streets and highways in which it shall be laid, and further shall conform with the grades of said streets or highways, as the same now are or hereafter may be established by the proper authorities. Proviso. Proviso.

3. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair, equip or operate said road, and to secure the payment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money and secure the same by mortgage. Proviso.

4. *And be it enacted*, That the time for the commencement and completion of the railroad, authorized by the act to which this is a supplement, be extended for three years from the time fixed by said act. Limitation.

5. *And be it enacted*, That such parts of the said act to which this is a supplement as in anywise conflict with the provisions hereof, be and the same are hereby repealed. Repealer.

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

Approved March 30, 1869.

CHAPTER CCXCIII.

A Further Supplement to an act entitled "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Commissioners of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful to appoint two commissioners for taking the acknowledgment and proof of deeds, one in the first ward of Jersey city, and one in the city of Hudson, in the county of Hudson.

Repealer.

2 *And be it enacted*, That so much of the act to which this is a supplement, and of the supplements thereto as is inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCXCIV.

An Act to prevent Cattle, Sheep and Swine from running at large in the Township of Linden, in the County of Union.

Provisions of act extended.

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

entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the borough of Bordentown, in the county of Burlington, and in the city of Newark, in the county of Essex, and state of New Jersey," approved April third, eighteen hundred and sixty-five, be and the same are hereby extended to the township of Linden, in the county of Union.

Town clerk to promulgate act.

2. *And be it enacted*, That it shall be the duty of the town clerk of the township of Linden to promulgate this act immediately after its passage, in at least twenty-five conspicuous places in said township.

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

Approved March 30, 1869.

CHAPTER CCLXCV.

An Act to repeal "An Act to incorporate the Borough of Riverside, in the county of Burlington," approved April fifteenth, eighteen hundred and sixty-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the borough of Riverside, in the county of Burlington," approved April fifteenth, eighteen hundred and sixty-eight, be and the same is hereby repealed.

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

Approved March 30, 1869.

CHAPTER CCXCVI.

An Act to provide for the drainage of certain meadow or low lands lying within the City of Burlington.

Commissioners to drain meadow lands

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the common council of the city of Burlington, within thirty days after the passage of this act, to appoint five persons as commissioners to drain certain meadow or low lands lying within the city of Burlington; that such one of said commissioners as said common council shall designate shall serve for the

Terms of office

term of one year, two for the term of two years and two for the term of three years, from the date of the passage of this act, and at the expiration of any of said terms, said common council shall immediately thereupon appoint a successor or successors, as the case may be, to serve for the term of three years each from the date of such appointment; that said commissioners shall receive no compensation for their services; and

May be removed for cause.

said common council shall have power at any time, for cause, to remove any of said commissioners from office, and whenever any commissioner hereby or hereafter to be appointed shall remove from said city, he shall cease to act as commissioner, and his office shall be deemed to be vacant, and any vacancy in the commission, no matter from what cause occurring, shall be filled by said common council.

Powers of commissioners.

2. *And be it enacted*, That the said commissioners and their successors shall be and they are hereby empowered to use a common seal, and shall be known by the name of "Commissioners to drain certain meadow or low lands lying within the City of Burlington," and in that name may sue and be sued, implead and be impleaded in any court of competent jurisdiction; and said commissioners shall have power to reclaim and drain any of the meadow or low lands lying within the city of Burlington and adjoining to and on both sides of the main canal of the Burlington meadow company, running westwardly from the road of the Burlington and Jacksonville turnpike company, in said city, to the river

May construct dykes and change water courses.

Delaware, and to construct, maintain, manage and use all dykes, dams, tide-banks, ditches, drains, sluices, sluice gates,

engines, pumps and all other works, structures and machinery necessary, useful and convenient to reclaim and drain said meadow or low lands, and said commissioners shall have power to turn, alter or change the water courses or channels of any of the small streams, brooks or runs which flow through or empty into said meadow or low lands; they shall also have power to employ a competent surveyor and engineer and such other agents and officers as they may deem necessary, make, or cause to be made, a map or maps of said meadow or low lands, or any part thereof, file the same with the clerk of said city, cause descriptions and specifications of the work, or any part thereof, to be prepared, advertise for proposals to perform such work, or any part thereof, and contract with any person or persons for the performance of said work, or any part thereof, issue improvement certificates in payment therefor payable at such time or times as they may therein designate, take bonds, with sufficient sureties, from any officer, agent or contractor employed by said commission for the faithful performance of any duty or work entrusted to him or them, and generally to do every act and thing necessary to complete and maintain a proper drainage of said meadow or low lands, or any part thereof; any three of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter, delegated to or enjoined under said commission.

May issue improvement certificates.

3. *And be it enacted*, That said commissioners, after making the contract provided for in the preceding section, and after the draining of said lands, or any part thereof, shall have been completed according to said contract, shall assess upon the said lands so drained, and upon all the lands in said city benefited thereby, and upon any corporation benefited thereby, a just proportion of the expenses of said commission, and shall cause the same to be collected by such officer and in such manner as they shall determine; and said commissioners may, if they deem it advisable, file with the clerk of said city a map showing all the lands assessed for said improvement, the owners thereof, if the same can be ascertained, and the amount of assessment on each plot of land as shown on said map.

Expenses assessed on lands.

4. *And be it enacted*, That the said commissioners, within three months after the draining of said lands, or any part thereof, shall have been completed according to said contract, shall file a list of their unpaid assessments on said lands with

Unpaid assessments a lien on lands.

the clerk of said city, and said assessments shall thereupon become a lien on said lands upon which the same is assessed until paid, and said lien shall have precedence of all other liens on said lands; and on foreclosure of any mortgage on said lands, or sale of said lands under any judgment, the said unpaid assessment thereon shall be paid first out of the proceeds of sale; in default of payment for the space of two months thereafter, said lands, after four weeks advertisement in a public newspaper published in said city, shall be sold at public sale for the shortest terms of years by said commissioners, to any person or persons who will pay the amount of said assessment, or the balance thereof remaining unpaid, and interest thereon at the rate of twelve per centum per annum from the date of filing said list of unpaid assessments with said city clerk, and the expenses of said sale; *provided*, any of said lands so sold may be redeemed from such sale by the owner or owners thereof within two years after the sale, by paying to the clerk of the said city for the benefit of the purchaser thereof, the sum paid by said purchaser at said sale, with interest thereon at the rate of fifteen per centum per annum; and said commissioners, under the hand of their president and seal of said commission, immediately after said payment, shall file with the clerk of said city a certificate, that the said assessment has been paid, and directing it to be cancelled by said clerk; and thereupon said clerk, on receiving said certificate, shall file the same, and mark said assessment paid and cancelled; if any of said lands are not so redeemed as aforesaid within two years from the date of the sale thereof, then the said commissioners, under the hand of their president, attested by the seal of said commission, shall execute leases to the purchasers, their heirs and assigns, at their request, of said unredeemed lands, for the number of years for which the same shall have been sold as aforesaid, and said leases shall be acknowledged or proved so as to entitle them to be recorded; and the said purchasers shall, by virtue thereof, lawfully hold, use, enjoy and possess such lands so sold during the full term for which said sale shall have been made; the sale of lands hereinbefore referred to, or any portion thereof, may be adjourned, postponed or continued from time to time, or suspended, as the said commissioners may direct.

Lands may be sold in default of payment.

Proviso.

May enter on all lands and waters.

5. *And be it enacted*, That it shall be lawful for the said commissioners, their agents, engineers, superintendents or

others in their employ, to enter upon all lands or waters, whether lying within the city of Burlington or within the township of Burlington, for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, tide banks, ditches and drains, or for the purpose of deviating, turning, altering or changing the water courses or channels of such small streams, brooks or runs as shall be found necessary, and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof; doing no unnecessary injury to private or other property, and when the route or routes of such dykes, dams, tide banks, ditches and drains, and the location of sluices and alterations or changes of the water courses or channels of such small streams, brooks or runs and other necessary works and structures, shall have been determined upon, and a survey of such route or routes, location or locations, alteration or alterations deposited with the clerk of said city; then it shall be lawful for the said commissioners by any of their officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as hereinafter provided; *provided always*, that the payment, or the tender of the payment, of all damages for the occupancy of the lands through or upon which the said dykes, dams, tide banks, ditches, drains, sluices and other works or obstructions may be laid out or located, be made before the said commissioners, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out the same, unless the consent of the owner or owners of such land be first had and obtained. Proviso.

6. *And be it enacted*, That if the said commissioners, or their officers, or agents, cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said commissioners in the construction of said dykes, dams, tide banks, sluices, ditches, drains and other works and structures, shall be given in writing, under the oaths or affirmations of Proceedings when company and owners of land cannot agree.

some engineer or proper agent of said commissioners, and also the name or names of the occupant or occupants, if known, and their residence if the same can be ascertained, to any justice of the supreme court, who shall cause the said commissioners to give notice thereof to the persons interested if known and in this state, or if unknown and out of this state, to make publication thereof, as he shall direct, for any term not less than one week, and not more than one month, and to assign a particular time and place for the appointment of the commissioners mentioned; at which time and place, and upon satisfactory proof to him of the service or publication of such notice aforesaid, he shall appoint three disinterested persons as commissioners to assess the price or value of said land; who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situate and bounded, in writing, under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of Burlington county, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court of said county at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the said commissioners and they shall find a greater sum than the said commissioners so as aforesaid appointed, then judgment shall be against said commissioners; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than

Parties aggrieved may appeal.

the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said commissioners shall be deemed to be seized and possessed in fee simple of such lands and real estate appraised as aforesaid; but such application shall not prevent the said commissioners from taking the said land upon filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being unknown, or out of the state, or under legal disability,) the same being first paid into the court of chancery.

May borrow money and issue bonds.

7. *And be it enacted*, That said commissioners shall have power to borrow money and issue bonds in payment therefor, bearing interest at the rate of seven per centum per annum; and said bonds shall be paid out of such moneys as are collected by the said commissioners under this act; and the said bonds shall be signed by the president, and sealed with the seal of said commission, and shall be payable at such time or times as said commissioners may deem proper.

Commissioners must take oath.

8. *And be it enacted*, That no commissioner shall enter on the duties of his appointment until he shall have taken and subscribed an oath or affirmation before any officer authorized to administer the same, faithfully and impartially to perform the duties required of him by this act; and the clerk of said city is hereby required to record said oath or affirmation, and also record or file as requested, all maps, certificates and papers relating to the improvement specified in this act, presented to him for that purpose by either of said commissioners, and he shall endorse a certificate of such recording or filing on such maps, certificates and papers.

President and treasurer.

9. *And be it enacted*, That said commissioners shall designate one of their number as president, and one as treasurer of said commission, and all moneys collected by said commission or any of its officers or agents, shall be paid to said treasurer, who shall, before entering upon the duties of his office as treasurer, give bonds in the penal sum of five thousand dollars, for the faithful performance of his duties, and he shall not pay out any money unless upon the written order of three of said commissioners of whom the president shall be one.

Expenditure limited.

10. *And be it enacted*, That the commissioners created or authorized by this act, shall not have power to make an expenditure of a greater sum than twenty-five thousand dollars; that no one of said commissioners shall be a contractor for, or otherwise interested, either directly or indirectly, in any work to be done upon such lands by virtue of this act; and that the work of drainage be completed with all practicable expedition.

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

Approved March 30, 1869.

CHAPTER CCXCVII.

An Act to incorporate the National Mill Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel B. Field, James Inglis junior, Charles W. Inglis, William Shelp, George H. Field and their associates, successors and assigns be and are hereby created a body politic and corporate, by the name of "The National Mill Company," for the purpose of planing, sawing, turning and moulding wood and lumber, and buying, selling and dealing in the same, and for that purpose may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal estate as may be needful and proper for use in carrying on said business, or which may accrue to them in the course thereof.

Name and object.

Place of business, &c.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Passaic, and may establish their principal office at such point in said county as they shall deem proper, and may change the same as the directors may determine.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, but as soon as the sum of forty thousand dollars of the said capital stock shall have been

subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations and the capital necessary for that purpose, which a majority of the directors are authorized to do, to the amount first above mentioned, and it shall be lawful for the directors or a majority of them to call and demand from the stockholders respectively, all sums of money by them subscribed of the said capital stock, or to the increased capital above the sum of forty thousand dollars, at such times and in such proportions as they shall think proper, under the penalty of forfeiting the shares subscribed, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in said county of Passaic.

Stock may be forfeited on failure to pay installments.

4. *And be it enacted*, That the stock, property and business of said corporation shall be managed and conducted by not less than three, nor more than five directors, being stockholders, one of whom shall be president, and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first day of August next, or until others are elected in their stead; that thereafter the directors shall be chosen annually on the first day of August; at such place and on such notice, as the by-laws of said company shall determine; that all elections shall be by ballot, and each share of stock shall be entitled to one vote, which may be given by the holder thereof in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or of this act; and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; that a majority of the directors shall be residents of this state, and the directors may appoint such officers and agents as they may deem necessary, and may, by the by-laws, fix their duties and compensation therefor.

Election of directors.

5. *And be it enacted*, That the stock and property of said corporation shall be deemed personal estate, and be transferred in such manner as the by-laws shall prescribe; that

Stock transferable.

certificates of stock shall be made to the stockholders by the directors, and no transfer of stock shall be valid or effectual until such transfer be entered on the book or books to be kept by the directors for that purpose; and the said directors may make dividends from time to time, but no dividend shall be declared or paid except from the actual net profits of said corporation.

Books of account to be kept.

6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be regularly kept and entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company, or their attorney or attorneys.

How dissolved

7. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders specially summoned for that purpose by the directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, at least three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein; and upon such dissolution, the directors for the time being, or the survivors or survivor of them, or such person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company, and paying its debts, and dividing the surplus among the stockholders according to their respective interests therein.

Proviso.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty-five years, unless dissolved as aforesaid.

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

Approved March 30, 1869.

CHAPTER CCXCVIII.

An Act to incorporate the Bergen County Land Improvement and Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David P. Patterson, Garret S. Demarest, John C. Westervelt, Henry G. Hering and Isaac I. Cole, and all such persons as may hereafter be associated with them, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Bergen County Land Improvement and Hotel Company," and by that name shall be capable, in law, of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate, in the county of Bergen, as may be necessary or expedient to the objects of this corporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid. Corporators. Name.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Bergen; and each stockholder shall be entitled to one vote for each share of stock he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint such agents, officers and superintendents, and make such compensations, and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time, it Directors, how elected.

shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of directors for the time, or a majority of them shall appoint; and, until others are chosen from the stockholders; the first directors shall be David P. Patterson, Garret S. Demarest, John C. Westervelt, Henry G. Hering and Isaac I. Cole, who shall hold their offices until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as one hundred and fifty shares of the capital stock shall have been subscribed, and the sum of twenty dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportion, as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days, in a newspaper published in the county of Bergen, or shall be given, in writing, to the stockholders for the like space of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time, in the county of Bergen, as the directors shall appoint, notice being given previous thereto, for two weeks, in a newspaper printed in said county; and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation, by their by-laws, may direct.

Non-payment of installments to work a forfeiture of stock.

May sell and improve real estate, &c.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold, from time to time, in whole or in parcels; and to improve the same by grading, paving, curbing, guttering or flagging, or by con-

structing sewers or drains, subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed; or by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes; or by laying off said lands and real estate into lots, and to use the same for agricultural purposes, or in any way that the said corporation may deem necessary and advisable; and to purchase, make-up and manufacture, sell and dispose of, all material pertaining to the erection of such buildings; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds, the said company shall have power to convey or pledge, by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose.

May make by-laws.

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

Proviso.

Not dissolved for failure to elect.

6. *And be it enacted*, That if it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such an election on such other day as the directors of said corporation may decide.

How dissolved

7. *And be it enacted*, That the said corporatian may be dissolved whenever the stockholders representing three-fourths of said capital stock, shall so determine at a meeting held for that purpose, and of which all the stockholders shall have received five days' previous notice in writing, specifying the object of such meeting; and in such case the directors for the time shall be the trustees to sell and dispose of the property of said corporation, who shall divide the proceeds of such sale after payment of the debts and liabilities of said corporation, pro rata among the stockholders.

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

Approved March 30, 1869.

CHAPTER CCXCIX.

An Act to improve the Northfield road, in the Town of West Orange, Essex County.

Commissioners to improve road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Small, James W. Field and Erastus E. Marcy, or a majority of them, be and they are hereby appointed commissioners to cause that portion of the Northfield running from Orange to Northfield, and lying in the town of West Orange, Essex county, to be macadamized in a thorough manner between the bridge, near the residence of Simeon Harrison, and thence up the mountain to a point distant three hundred feet beyond the stone quarry near the house of George Hobert.

Shall take an oath.

2. *And be it enacted*, That before entering upon the duties hereinafter specified, the said commissioners, or a majority of them, shall take and subscribe an oath or affirmation, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them, and that they are not and will not become interested, directly or indirectly, in any contract to be given out by them, after which it shall be lawful for said commissioners to advertise for not less than ten days in at least one newspaper in Orange and Newark for proposals, and may thereafter open said proposals, for the doing of said work, and let the same to the person or persons who offer to do it for the least sum of money; *provided*, the whole cost of said work shall not exceed the sum of six thousand dollars, and said commissioners may, if they deem it the interest of the township of West Orange, reject all the offers; and said commissioners are hereby empowered to employ some compe-

May advertise for proposals.

Proviso.

tent person or persons to perform the said work at such compensation as they may determine.

3. *And be it enacted*, That said commissioners may issue to the contractor a certificate or certificates in sums of not less than five hundred dollars, as the work progresses, and on the completion of the work for the balance due, which certificates shall draw interest at the rate of seven per centum per annum until paid. May issue certificates.

4. *And be it enacted*, That the town committee of the township of West Orange, in said county of Essex, in addition to the powers now vested in them by law, are hereby directed and empowered to raise forthwith, by tax, the said sum of six thousand dollars, and such additional sum or sums of money as may be necessary to pay the principal and interest of said certificates of debt, and such additional tax shall be so assessed as to be known and designated as "the extra tax for macadamizing the Northfield road," distinct from other taxes, and such extra tax shall be ratably assessed upon all the property, real and personal, in the said township of West Orange. Town committee may raise money by tax to pay certificates.

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

Approved March 30, 1869.

CHAPTER CCC.

An Act to prevent the destruction of insectivorous, small and harmless birds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons in this state to wantonly shoot, entrap for the purpose of killing, or in any other manner to destroy any upland birds whose principal food is insects, comprising all the species and varieties of birds represented by the several families of whippoorwills, swallows, fly-catchers, thrushes, creepers, warblers, finches, larks, orioles, nuthatches, wood- To prevent destruction of birds.

New Jersey State Library

peckers, humming birds, cuckoos, and all other species and varieties of land birds, whether great or small of every description, regarded as harmless in their habits, and whose flesh is unfit for food, including the fish-hawk and turkey buzzard, but excepting from the protection and provisions of this act the following birds, to wit: the eagle, raven, crow, all hawks and owls which prey upon other birds, all the species and varieties of water birds comprised in the families of the waders and swimmers, and all birds usually known and described as game birds, comprising the ruffled grouse, quails and woodcock.

To prevent destruction of eggs.

2. *And be it enacted*, That it shall not be lawful for any person or persons to take or destroy the eggs or young of any of the species or varieties of birds which are intended to be protected by this act; *provided*, that nothing herein contained shall be construed to prevent the killing of birds or taking their eggs for the purpose of preserving them as specimens in cabinets of natural history, nor shall any person be prevented from protecting any crops of fruit or grain on his lands from the destructive depredations of any birds herein intended to be protected.

Proviso.

Proceedings on violation of act.

3. *And be it enacted*, That it shall be lawful for any person to make complaint, under oath or affirmation, before any justice of the peace in this state of any violations of the provisions of this act, and upon every such affidavit it shall be the duty of such justice to forthwith issue, under his hand and seal, a warrant against the person or persons so offending, and all subsequent proceedings before the justice shall be regulated according to the provisions of the act entitled "An Act constituting courts for the trial of small causes;" *provided however*, that it shall not be necessary to file any statement of demand.

Proviso.

Penalties

4. *And be it enacted*, That every person offending against any of the provisions of this act shall on conviction be fined in any sum not less than ten nor more than twenty dollars, with costs of suit, in the discretion of the court before whom such conviction shall be had, one-half of which sum so fined shall be paid to the complainant.

Repealer.

5. *And be it enacted*, That "An Act to prevent the destruction of small and harmless birds," approved March sixth, eighteen hundred and fifty, and a supplement thereto, approved March ninth, eighteen hundred and fifty-nine, and all

other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

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

Approved March 30, 1869.

CHAPTER CCCI.

An Act to confirm the title of Charles C. Hough to land in Bayonne.

Preamble. WHEREAS, Peter Bentley, David Smith and Benjamin F. Woolsey, owners of lands in Bayonne, in the county of Hudson, did, on the sixth day of December, eighteen hundred and sixty, file in the clerk's office in said county, a map of their property, entitled, "Map of Bayonne, near Bergen Point, Hudson county, New Jersey, eighteen hundred and fifty-nine," on which map a strip of land eighty feet wide, runing from Passaic avenue to Newark Bay, was laid out as a street; and whereas, the said strip was never opened or accepted as a street, but was, on the first day of March, eighteen hundred and sixty-six, at the request of the adjoining owners, sold and conveyed by said Bently, Smith and Woolsey to Charles C. Hough for one thousand dollars; and whereas, the validity of the title of said Hough to said strip of land has been questioned by reason of the filing of said map; therefore

Title to land confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the filing of said map shall not be construed to be a dedication of said strip to the public as a highway or street, but the title of said Hough thereto shall be deemed and taken to be as full and complete as though said map had not been filed.

Approved March 30, 1869.

CHAPTER CCCII.

A Supplement to the act entitled "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Interest on certificates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of Jersey City, in all "improvement certificates" hereafter issued by them, to make the same payable with interest from the date thereof, at a rate not exceeding seven per centum per annum.

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

Approved March 30, 1869.

CHAPTER CCCIII.

An Act to confirm the title to land sold by John Quin and wife to Margaret Harrington.

Preamble.

WHEREAS, John Quin and Catharine his wife, of the city of Newark, on the nineteenth day of November, anno domini eighteen hundred and fifty-five, conveyed to Margaret Harrington, by deed, bearing date the day and year aforesaid, a certain lot of land in East Newark, township of Harrison, county of Hudson; and whereas it has been alleged that the title to said land so conveyed is defective because of certain errors in said deed of conveyance in its description of said land; and whereas also the said John Quin is now deceased, for remedy whereof and to confirm the title of the said Margaret Harrington and her heirs and assigns to the land so conveyed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance so made by said John Quin and Catharine his wife to said Margaret Harrington, be and the same is hereby declared to be valid and effectual in law, and to convey and vest in the said Margaret Harrington, her heirs and assigns, all the estate of the said John Quin and Catharine his wife to the said land at the time of said sale. Title to land confirmed.

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

Approved March 30, 1869.

CHAPTER CCCIV.

A Further Supplement to an act entitled "An Act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the following purposes: first, to raise by tax, a sum of money not exceeding ten thousand dollars, for the purpose of altering, repairing and fitting up any building in the city of Hoboken, which the said mayor and council may rent or procure in said city for a city hall; second, to raise by tax, a sum of money not exceeding fifteen thousand dollars to purchase lands on the Coster estate in the city of Hoboken, and to erect a public school-house thereon; third, to raise by tax a sum of money not exceeding six thousand dollars, to purchase land in the city of Hoboken and erect a building thereon for the use of Engine Company Number Three; fourth, to raise by tax a sum of money not exceeding ten thousand dollars to purchase land and erect a building thereon for the use of the association of Exempt Firemen of the Hoboken fire department; fifth, to raise by tax, a sum or sums of money Power to raise money by tax for various purposes.

not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them.

May issue bonds to raise money for improving public squares.

2. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of the said mayor for an amount of money not exceeding the said sum of forty thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided*, *also*, that the bonds to be issued by virtue of this act shall be redeemable at a period not to exceed twenty years from the passage hereof.

Proviso.

Proviso.

May provide for payment by taxation.

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

Proviso.

Proceeds of bonds, how applied.

4. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of the said bonds to the purpose of improving and fencing said public squares.

Certified ordinances received in evidence

5. *And be it enacted*, That in all prosecutions, suits and actions which may be brought or instituted against any person or persons for violation of any ordinance or ordinances of the mayor and council of the city of Hoboken, heretofore passed or which may hereafter be passed, a copy of such ordinance or ordinances with a certificate thereto annexed, under the corporate seal of said city, attested by the city clerk that the same is or are a true copy or copies of the original or

originals, shall be read and received in evidence by the court in which such prosecution, suit or action is pending, as proof of the existence of such ordinance or ordinances, and that no further proof or evidence of publication of such ordinance or ordinances, nor of the corporate seal of said city, nor the signature of the city clerk shall be required for the purposes of such prosecution, suit or action; *provided*, that if the said ordinance or ordinances have not been published as required by law, that fact may be shown in evidence by the defendant or defendants in bar to the action. Proviso.

6. *And be it enacted*, That the recorder, the street commissioner and the collector of taxes in said city, hereafter shall receive for their pay and compensation the following sums of money per annum: the recorder one thousand dollars, the street commissioner one thousand dollars, the collector of taxes eight hundred dollars. Compensation of officers.

7. *And be it enacted*, That the collector of the said city of Hoboken, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of delinquents, with the sums due from them respectively annexed, and deliver the same to the clerk of the said city on the fifteenth day of January in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the council at a meeting thereof, held next after the same shall be delivered to him, and it shall be the duty of the said council to deliver the same to the collector of arrears of taxes on or before the first day of February next following, who shall proceed thereon as now required by law. Collection of taxes.

8. *And be it enacted*, That in all cases where the council or their committee on streets shall direct the street commissioner to repair or put in proper grade the sidewalks, or to reset the curb or gutters in any portion of any street, the street commissioner shall proceed to do such work and shall make a correct statement in writing of the costs and expenses thereof incurred for each lot in front of which such work is done, and shall file such statement in the city clerk's office, whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city of Hoboken, for at least ten days, a notice of the filing of said statement, and that the council will meet at a certain time and place to be specified in said notice to consider all objections to the charges Proceedings in repairing sidewalks and resetting curbs.

in said statement made, which may be presented in writing, and if the council shall approve said statement, the charges against each lot for such work therein mentioned shall constitute a lien on the property in front of which such work has been done, and that such liens may be enforced and collected in the same manner as assessments are collected under and by virtue of the act to which this is a supplement.

Ordinances to be published in pamphlet form.

9. *And be it enacted*, That it shall be the duty of the mayor and council of the city of Hoboken to cause the laws and ordinances of said city to be published in book or pamphlet form for the use of the officers of said city.

Pay for the same by tax.

10. *And be it enacted*, That the said council shall have power to raise by tax and appropriate a sufficient sum of money to defray the expenses of causing said laws and ordinances to be published as aforesaid.

Consent of a majority of voters necessary to the expense of "exempt engine house."

11. *And be it enacted*, That the power to raise by tax the sum of ten thousand dollars to purchase land and erect a building thereon for the use of the association of exempt firemen of the Hoboken fire department, shall not be exercised by the said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Exempt Engine House," and those opposed thereto shall deposit a ballot having thereon the words, "Against Exempt Engine House," and said words shall be upon the general city ticket, voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

Consent of a majority of voters necessary to the expense of "improving public squares"

12. *And be it enacted*, That the power to raise by tax a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Park Improvements," and those opposed thereto shall deposit a ballot having thereon the words, "Against Park Improvements," and said words shall be upon the general city ticket voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

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

Approved March 30, 1869.

CHAPTER CCCV.

An Act to incorporate Saint Vincent's Orphan Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Right Reverend James Roosevelt Bayley, D. D., Bishop of the Roman Catholic Diocese of Newark, the Very Reverend Michael A. Corrigan, D. D., Vicar General of said Diocese, Reverend Edward M. Hickey, John Cox, William Smallin, Daniel Brennan, senior, John O. Hagan, Daniel Brophy, John Ramsey, Philip Savage, Louis Belant, Lawrence T. Fell, John Fell, Martin Redington, Edward B. Maroney, Robert Hamilton, and their associates, are hereby constituted a body politic and corporate, in fact and in name, by the name of "Saint Vincent's Orphan Asylum," and as such shall have power to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities, or other personal property of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of said corporation. Corporators. Name.

2. *And be it enacted*, That on the second Monday of January next, and annually thereafter, there shall be an election of five trustees, who shall hold their offices for one year and until others are elected in their stead, and who, with the Roman Catholic bishop for the time being, and the vicar general for the time being, of said diocese, and the pastor of Saint John's Roman Catholic church in the town of Orange, shall constitute a board of directors of said corporation hereby created; and said bishop for the time being, and said vicar general for the time being, and the pastor for the time being Election of trustees.

of said church, shall always be ex-officio directors of the corporation; and said bishop for the time being, or, in his stead, said vicar general for the time being, shall always be ex-officio president, and said pastor for the time being shall be always ex-officio vice president of said board of directors; and a majority of the members of said board shall be a quorum for the transaction of business; which election shall be held under the direction of the directors for the time being, at such place and on such notice as they shall think expedient; and in case any vacancy shall happen in the said board, by death, removal, resignation or otherwise, such vacancy may be filled by the said board until the next election; *provided*, no person shall vote at any such election other than the regular members of the said corporation who shall have paid at least one dollar during the year next preceding such election, for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute a life member; and a majority of such members voting at any such election shall be required for the election of such directors; and the persons named in the first section of this act shall constitute the first directors of the said corporation.

Proviso.

Objects.

3. *And be it enacted*, That the object of the said corporation shall be the support and instruction of destitute orphan children, to be selected by said corporation, under such regulations as the said directors shall ordain, and to provide a suitable asylum for such children, to be located in the town of Orange; and for the purpose of better educating said children, they shall be trained to habits of industry, and have the benefit of moral and religious instruction.

May receive orphan children.

4. *And be it enacted*, That it shall be lawful for the said directors to receive from the overseers of the poor, or other persons having lawful power in the premises, such orphan children as it may be deemed desirable to place under their care, and to have the same bound to them in the same manner, and subject to the same laws and regulations as such children may be bound to other parties; and the said directors, when the children under their care arrive at the proper age, and their interests require it, shall have the power to bind out said children as they would have under the laws of this state if they were their legal guardians; such binding to the said corporation. and binding out by them, to be subject to all the laws and regulations of this state for the protection of such children.

5. *And be it enacted*, That the said board shall, as soon as conveniently may be after the passage of this act, elect one person who shall act as secretary, and one person who shall act as treasurer, and may appoint such other persons as to them shall seem meet, properly to conduct the business and affairs of the corporation; and the said officers shall hold their office during the pleasure of the directors; *provided*, that the treasurer shall give bond in such sum and with such security as the by-laws shall direct for the faithful performance of his duties. Officers. Proviso.

6. *And be it enacted*, That the property and effects of the said corporation held and used for the purposes contemplated by this act, shall not be subject to the imposition of any assessment or tax. Property free from taxes and assessments.

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

Approved March 30, 1869.

CHAPTER CCCVI.

An Act to incorporate the Perth Amboy and Elizabethport Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hampton Cutter, David P. Carpenter, Dennis Harrington, Henry Simmons, David Blair, Charles Parsons, John R. Kinsey, Samuel Farron, Samuel Marsh, Solomon D. Lawton, and Richard Davis, and such others as may hereafter be associated with them, their successors and assigns, are hereby incorporated a body corporate and politic by the name and style of "The Perth Amboy and Elizabethport Railroad Company." Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be the sum of two hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, to be divided into shares of one hundred dollars each, and that the above named persons, or a majority Amount of capital stock.

Commissioners to open books of subscription.

thereof, are hereby created a commission to receive subscriptions for such stock, and they shall open books for the receiving of said subscriptions to the capital stock of said company at some place in Middlesex county, to be hereafter designated, having first given notice by advertisement, published for twenty days, in the newspapers published in the counties of Union and Middlesex, and place of receiving said subscriptions, and that the sum of ten per centum shall be paid on each share at the time of subscribing, and that the residue as called for by the company from time to time, and upon notice having been given in the manner aforesaid of calling in any installments, and that the directors may, for non-payment, forfeit such stock and all money paid thereon.

Election of directors.

3. *And be it enacted*, That as soon as twenty thousand dollars of said stock are subscribed for, and the first installment paid thereon, said company may commence business, and said commissioners shall thereupon give notice, in the manner aforesaid, of a meeting of stockholders to choose directors; and at the time and place so advertised, for that purpose, and annually thereafter, upon like notice, at such time as the by-laws of said company shall direct, the stockholders shall elect five stockholders to be directors of said company, who shall continue such for one year, and until others are chosen in their stead; and if no election is held on the day provided by the by-laws, then it may be held on any day afterwards, designated for that purpose by the directors, upon like notice as aforesaid; and until directors are chosen, Hampton Cutter, David P. Carpenter, Dennis Harrington, Charles Parsons and John R. Kinsey, shall be the directors of the said company.

Powers and duties of the directors.

4. *And be it enacted*, That said directors shall manage and control all the business and affairs of said company, shall choose a president out of their own number, and may appoint a secretary and such other officers as their by-laws may direct; and a majority of the directors and the president shall be residents of this state, and said directors shall have power to fill all vacancies that may occur in their number.

May construct and make a railroad.

5. *And be it enacted*, That it shall and may be lawful for the president and directors of the said company, and they are hereby authorized with all necessary rights and powers, to survey, lay out and construct a railroad from Perth Am-

boy to any point in Union county; or any point on the New Jersey railroad west of the limits of the city of Elizabeth; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or height of the embankment, it is necessary to take more land for the slope and protection of the said banks of said railroad, in which case so much land as will be necessary for the purpose and no more shall be taken, with as many sets of tracks and the rails as the company may deem necessary; and it shall and may be lawful for the president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route of the said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of the said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as hereinafter provided; *provided, always*, that the payment or tender of payment of all damages for the occupancy of lands through which said railroad may be laid out shall be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except, for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

May enter on lands, &c.

Proviso.

6. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing under oath or affirmation of some engineer

Proceedings when company and owners of lands cannot agree.

or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make a publication thereof as he shall direct for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the counties of Union and Middlesex, commissioners to examine and appraise the said land or materials and to assesss the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to review and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate and appraisement of the value of the same and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid, which report shall be in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the supreme court of the state of New Jersey, to remain of record therein, which report or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possesss and enjoy the said land or materials, or of the said owner or owners to recover the amounts of said valuation, with interest and costs

in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall neglect or refuse to pay the same, for twenty days after demands made of their treasurer, and shall from time constitute a lien upon the property of the company, in the nature of a mortgage; the said justice of the supreme court shall, upon application to either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of the land or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the circuit court of the county in which the land or materials aforesaid may be, at the next term thereafter. Proviso.

Proceedings in case the company or owners are dissatisfied with report.

7. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceeding section shall be in writing and in form of petition to the said court, and filed with the clerk of the said court, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had; and the said issue to be tried at the next term of said court, to be holden in the county where the same shall be triable, upon the like notice, and in the same manner as other issues in said court are tried; and it shall be the duty of said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the said costs to be paid by said applicant or applicants, or either deducted out of the said sum found, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking

Proviso. the said land, upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvement whatever, or otherwise appropriating said land to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners, as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid in the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Bridges to be kept in repair. 8. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all railroad crossings.

Rates of fare, &c. 9. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, all machinery, engines, wagons, carriages, or cars, for transportation of persons or any species of property on the said railroad, or any railroad

Proviso. connected with it; *provided*, that they shall not charge over four cents per mile for carrying each passenger; but no charges shall be required in the aggregate to be less than ten

cents, nor shall the company charge more than six cents per mile per ton for the transportation of any description of property; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors, for and during the continuance of their charter.

Dividends.

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

May purchase and hold real estate.

11. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piles and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof.

Proviso.

May make contracts.

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

Penalty for injuring works.

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

Statement of costs and expenses to be made and filed

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of

the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday of January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of the said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of the said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

May borrow money and secure the same by mortgage.

15. *And be it enacted*, That the said the Perth Amboy and Elizabethport Railroad Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair their road, and furnish all necessary engines and machinery for the use and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgages on the said road, lands, privileges, franchises, and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, at the rate of not less than ninety per centum of their par value, and redeemable in thirty years after date.

Proviso.

Limitation.

16. *And be it enacted*, That if the said railroad shall not

be commenced within three years, and be completed within seven years from the fourth day of July next ensuing, that then and in that case this act shall be void; *provided*, that no work shall be commenced within the limits of the city of Elizabeth, without the consent of the corporate authorities of said city be first had and obtained.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of the state, whilst travelling for the purpose of discharging their official duties, and the members and officers of both houses of the legislature, and state superintendent of the schools, during the year for which they were elected, shall pass and repass upon the railroad of the company in their cars free of charge. Free passes.

18. *And be it enacted*, That this act shall continue in force for fifty years, and the legislature may at any time, when the public good may require, alter this act.

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

Approved March 30, 1869.

CHAPTER CCCVII.

A Further Supplement to an act entitled "An Act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of sale hereafter made of any lands, tenements, hereditaments, and real estate situated in the township of Newton, in the county of Camden, in this State, in pursuance of the act to which this is a supplement, and the supplement to said act approved March twenty-fifth, eighteen hundred and sixty-three, the said lands, tenements, hereditaments, or real estate so sold, may be redeemed by the owner or owners, or by any other person, for Lands sold for taxes may be redeemed within two years.

and on behalf of the owner or owners of such lands, tenements, hereditaments, or real estate, at any time within two years after the time of such sale, by paying to the purchaser thereof, or his or her legal representative, the amount paid thereof by such purchaser, together with any other sum or sums paid for taxes or assessments which the said purchaser may have paid, chargeable on said lands, tenements, hereditaments, or real estate, and which he or she is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum in addition thereto; and upon such payment being made to such purchaser, or his or her legal representative, he, she, or they shall reconvey and restore to the owner or owners, such lands, tenements, hereditaments, and real estate, and on failure of such redemption money being paid within the time above limited for such redemption, the right of redemption shall cease.

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

Approved March 30, 1869.

CHAPTER CCCVIII.

An Act to incorporate the Germania Mutual Fire Insurance Company of Elizabeth.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mayer Sontheimer, Ferdinand Blanke, John H. Whelan, Richard Frohwein, Julius A. Fay, junior, Jacob Schultheis, August Hirshbaum, John Peter Ritter, Charles Wirsching, John Engel and Peter Eller, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of "The Germania Mutual Fire Insurance Company of Elizabeth," for the purpose of insuring their respective vessels, buildings, merchandise and other [property] against loss or damage by sea or fire, and by that name they and their successors may have perpetual succession, and shall

Name.

have power to sue and be sued, and defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what kind and nature soever necessary for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company, and may have a common seal, and alter and renew the same at pleasure; also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said company and to put the same into execution; *provided*, that they be not contrary to the laws of this state or of the United States. Proviso.

2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in the same as hereinafter provided for, shall thereby become members thereof during the period they may remain insured by said corporation, and no longer. All persons insured to be members

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by eleven directors, who shall continue in office one year, and until others shall be chosen in their place, all of whom shall take an oath or affirmation of office, and choose out of their number 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. Management.

4. *And be it enacted*, That Mayer Sontheimer, Ferdinand Blanke, John H. Whelan, Richard Frohwein, Julius A. Fay, Junior, Jacob Schultheis, August Hirshbaum, John Peter Ritter, Charles Wirsching, John Engel and Peter Eller shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected at such time and place in the city of Elizabeth, county of Union, state of New Jersey, as the association in their by-laws shall appoint; of each election due notice shall be given in at least one of the public papers printed in said city, for two weeks immediately preceding such election, and it shall be the duty of the board of directors to appoint a committee of three of their number to be inspectors of such election and to count the Election of directors annually.

votes that may be given in, and declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

Officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured and the sum to be deposited for any insurance.

Policies of insurance.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made under the seal of the said corporation, and shall be subscribed by the president and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

Stocks in which money may be invested.

7. *And be it enacted*, That every person who shall become insured in said company, shall, before receiving the policy, pay such sum of money, and deposit their promissory note for such sum of money, as shall be determined upon by the directors; such notes to be paid at such time and in such manner as the by-laws may determine; and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof, not immediately wanted for the purposes of said corporation, on bonds and mortgage on real estate in the county of Union, stocks of the state of New Jersey, and the cities of Newark, New York, Trenton and Elizabeth, and may from time to time call in such money or change such investment.

Amount of capital stock.

8. *And be it enacted*, That there shall be a cash capital of fifty thousand dollars paid in before commencing operations, upon other than a mutual plan as an additional security to the members and others effecting insurance therein, which cash capital shall be left open for accumulation, and shall

be loaned and invested, and the said company may allow an interest on said cash capital, and prescribe the liability of the owners thereof to share in the losses of the company, and such cash capital shall be liable in the payment of the debts of the company.

Certificates of profit.

9. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter, and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses, and true state of the affairs of said company, to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits as hereinafter mentioned.

Upon what terms issued.

10. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business, in proportion to the amount of premiums paid by him; but no person shall be entitled to a certificate for premiums paid that occasions loss, and no certificates shall be issued for the fractional parts of sums between even tens of dollars, but all such fractional parts shall be passed to the contingent account of said company and applied to the payments of said company.

When payment is to be made.

11. *And be it enacted*, That when the cash earnings on hand shall exceed twenty-five per centum of the amount of the risks the company is liable for, at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Suits at law to be maintained

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

Special insurances.

13. *And be it enacted*, That special insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

Limitation.

14. *And be it enacted*, That no policy shall be issued by the said company until application shall be made for insurances to the amount of fifty thousand dollars at least.

Place of business.

15. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the city of Elizabeth as shall be designated by a majority of the directors at their first regular meeting in every year.

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

Approved March 30, 1869.

CHAPTER CCCIX.

An Act to incorporate the Hamburgh Place Horse Car Railroad.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Lorenz, Joseph Hensler, Christopher Wiedenmeyer, Tobias Wiedenmeyer, Christian Walther, Charles Schuetz, Peter Nenninger, Herrman Schalk, Gottfried Kirschenmann, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared a body politic and

Name.

corporate, in fact and in law, by the name of "The Hamburgh Place Horse Car Railroad," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary and proper for the objects of this corporation.

Amount of capital stock.

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

3. *And be it enacted*, That the above named persons, or a

majority of them, shall be commissioners to open books to receive subscriptions of the capital stock of said company, when and where they, or a majority of them, shall think proper, giving at least thirty days notice of the same in two newspapers in the county of Essex, and at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for to said commissioners or some one of them; as soon as fifteen thousand dollars of the capital stock is subscribed for, such commissioners shall give notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; three of the above named persons shall be inspectors of the first election of stockholders of said corporation, and shall certify under their hands the names of those persons duly elected, each share being entitled to one vote, and deliver over the subscription books and money paid in, deducting all expenses previously incurred to the said directors, and the directors chosen at such meeting or at the annual meeting of said corporation shall, as soon as practicable after such election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy may be filled for the remainder of the year by the said board of directors, and in case of absence of the president, said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Commissioners to receive subscriptions to capital stock.

Directors, how elected.

4. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving twenty days notice in two of the newspapers published in the county of Essex; *provided*, that no installment shall exceed five dollars on each share, and that no installment shall be required to be paid within thirty days of the other; and in case of non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects

Payment of installments.

and business of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall deem fit, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

May construct and maintain a railroad.

5. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the corner of South Market and Ferry streets, in the city of Newark, through Ferry street to Hamburgh place, and through this to a place near the corner of Frankfort street, with the privilege to run a track through Barbara or Kossuth street to the Plank road, and from this point through some street to connect with the track already laid in South Market street, or through Ferry street to connect with their own road in Hamburgh place and Ferry street.

Must first obtain consent of common council.

6. *And be it enacted*, That before commencing the work of laying tracks, the president and directors of said company shall first obtain the permission of the common council of the city of Newark, and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street in which said road may be located.

Rates of transportation, &c.

7. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, and place on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used on said railroad; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they from time to time shall think reasonable and proper;

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provided, they shall not charge more than six cents a mile for each passenger, or ten cents a ton per mile for the transportation of any kind of merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors; or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others; *provided always*, that the carriages so used thereon shall be of the same description in

Proviso.

the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are.

Dividends.

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

May purchase and hold real estate.

9. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road and on such points along the line of the road as may be necessary for the convenient transaction of business, not exceeding one acre in each place, and may erect thereupon depots, warehouses, stables and such other buildings and improvements as they may deem expedient.

Penalty for injuring road or works.

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

May borrow money.

11. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to carry on the business successfully, and to secure the repayment thereof by bond and mortgage, or otherwise on the said road and appurtenances belonging to the said corporation.

May make contracts.

12. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation or individual for operating said railroad for transporting or conveying any kind of goods, produce, merchandize, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare as the said company are entitled to de-

mand and receive by virtue of this act for transportation and passage over their own road.

Limitation.

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

May connect with other roads.

14. *And be it enacted*, That the said company shall have power to connect with the Newark and Orange horse-car railroad, as well as with the Newark and Irvington horse-car railroad company, upon such terms and conditions as shall be agreed upon between them and not inconsistent with their respective charters.

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

Approved March 30, 1869.

CHAPTER CCCX.

A Further Supplement to the act entitled "An Act to incorporate the Madison and Troy Railroad Company," approved March the twenty-ninth, eighteen hundred and sixty-six, and the several supplements thereto.

Additional corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Boyd Headly and Thomas O. Smith be, and they are hereby added to the corporators named in the original act and the several supplements thereto, and that Augustus W. Cutler and J. Condit Smith be, and they are hereby substituted as corporators instead of Calvin Howell and Edwin Wilson named in said acts and since deceased; and that it shall be lawful for the said company as soon as ten per cent. of the capital stock of said company is subscribed to organize and construct said railroad from some point at or near Morristown to a point at or near Troy, Parsippany, or to Pine Brook.

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

Approved March 30, 1869.

CHAPTER CCCXI.

A Further Supplement to "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Commissioners of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all commissions hereafter issued to commissioners of deeds shall bear date on the day of their appointment by joint meeting, but the term of their said office shall begin on the first day of April of the current year, and the two months in which they are required to take the oath required shall be computed from the beginning of their term.

2. *And be it enacted*, That all acts and part of acts conflicting herewith are hereby repealed, and this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCXII.

An Act to prevent Horses, Mules, Cattle, Sheep and Swine from running at large in the township of Middletown, county of Monmouth.

May impound animals running at large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Middletown, in the county of Monmouth, to drive or convey to any public pound which may be in the said township, any horses, mules, sheep or swine found running at large in the public highways or elsewhere within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said township is and are hereby authorized

and required to receive such horses, mules, cattle, sheep or swine, and the party (or the poundkeeper, if the duty be performed by him) shall have thirty-five cents per head for driving or conveying to the pound each mule, every head of cattle or swine, and ten cents for every sheep, for letting in the pound, and shall have the same fees per head on horses, mules, cattle, sheep and swine for letting out of the pound, and for feeding and attending forty cents per head for horses, mules, cattle and swine, and thirteen cents per head for sheep, for every twenty-four hours or fractional part thereof they shall continue in said pound; and if the owner or owners of said horses, mules, cattle, sheep or swine so impounded shall not pay the charges of keeping and impounding within four days after such beasts shall be impounded, and take the same away, it shall be the duty of the poundkeeper to set up advertisements in five of the most public places in said township, describing such horses, mules, cattle, sheep or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, mules, cattle, sheep or swine do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same accordingly to the highest bidder, and out of the money arising from such sale, shall pay the charges arising from conveying to the pound, and retain his fees for impounding, keeping and feeding and letting out of the pound said horses, mules, cattle sheep or swine, and twenty-five cents for advertising sale and collecting the money for each horse, mule, cattle, sheep or swine, and return the overplus to the owner or owners of the said beast, if they shall appear or claim the same; and if no owner or owners shall appear and claim such overplus within six months after such sale, the same shall be paid to the collector of taxes of said township, by him to be held and accounted for as a part of the funds of said township.

Fees of poundkeeper.

Sale of animals, &c.

Poundkeepers

2. *And be it enacted*, That it shall be lawful for the inhabitants of said township of Middletown, at their annual town meeting, to elect annually any number of poundkeepers not less than five, and authorize the erection of an equal number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same

may be applied to the said township of Middletown, be and the same are hereby repealed.

Approved March 30, 1869.

CHAPTER CCCXIII.

An Act to prevent horses, cattle, sheep and swine from running at large in the townships of Boonton, Montville and Pequannoc, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be extended to all and every part of the several townships of Boonton, Montville and Pequannoc, in the county of Morris. Provisions of act extended.

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

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

Approved March 30, 1869.

CHAPTER CCCXIV.

An Act to incorporate the Morrisville Grove and Land Improvement Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Smedley, John Clowney, James Nicklin, John Stefenberg, James Lestes, Joseph Stokes, Peter Dehe, Joseph C. Mayer and Robert Bassett, and their associates and successors be and they are hereby created a body politic and corporate by the name, style and title

Name.

of "Morrisville Grove and Land Improvement Association," and by that name shall be capable of suing and being sued, impleading and being impleaded, in any court of record or elsewhere, and of granting and receiving in its corporate name, property, real, personal and mixed, and of holding improving and disposing of land in the state of Pennsylvania and elsewhere.

Powers

2. *And be it enacted*, That the said association shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the association, and the same to alter, amend, add to or repeal at their pleasure, and

Proviso.

to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States, and the state of New Jersey.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said association shall be twenty-five thousand dollars, with the privilege of increasing it to two hundred thousand dollars, divided into shares of not less than twenty-five dollars each; and the business of the association shall be managed by a board of

Election of directors.

five directors to be elected annually by the stockholders, at such time and in such manner as the by laws shall provide; but they shall hold their office until their successors are elected; and Joseph Smedley, John Clowney, James Nicklin, John Stefenberg and James Lestes shall be the first directors, and shall hold their offices until the first annual election.

Principal office, where located.

4. *And be it enacted*, That the said association may carry on its business and establish necessary offices under the direction of its officers, in such places as they may deem expedi-

ent, but the principal office shall be located in the city of Trenton, in this state.

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

Approved March 30, 1869.

CHAPTER CCCXV.

A Further Supplement to an "Act to establish a system of Public Instruction," approved the twenty-first day of March, eighteen hundred and sixty-seven.

Preamble. WHEREAS, by a supplement to the act to which this is a further supplement, approved April sixteenth, eighteen hundred and sixty-eight, it was enacted that it should be lawful for "The Trustees of Newton School District Number One, in the county of Sussex," in their corporate capacity to issue bonds or obligations to the amount of twenty thousand dollars, for the purposes and in the manner set forth in the said act; and whereas, by the third section of the said act, it was made the duty of the town of Newton to provide for the payment of the said obligations, and the interest which might accrue thereon by taxation; and whereas, the corporate limits of said district exceed the corporate limits of the said town, and include portions of the adjacent townships of Andover and Hampton; therefore,

To provide by taxation for payment of obligations. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the said "Newton School District Number One, in the county of Sussex," to provide by taxation for the payment of the said obligation, with the interest which may accrue thereon, and also for the payment of all other obligations which the said district may be authorized to issue.

May raise by loan a further sum. 2. *And be it enacted*, That the said "Newton School District Number One," be authorized to raise by loan, in the same manner and subject to the same restrictions as in the

said supplement, approved April sixteenth, eighteen hundred and sixty-eight, directed the further sum of five thousand dollars, and to issue obligations therefor in the manner directed in the said supplement.

Assessment and collection of taxes.

3. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the assessor and collector, and other proper officers of the said the town of Newton, to assess upon the inhabitants of said school district and their estates, and the taxable property therein, and collect all the taxes necessary for the purpose of redeeming and paying off all the obligations authorized to be issued by this act and by the said supplement, approved April sixteenth, eighteen hundred and sixty-eight, in the same manner and at the same time that town taxes in said town are or shall be assessed and collected; and that for the purposes of this act and the exercise of their powers thereunder by the said officers of the said school district, shall be considered in law as lying entirely within the borders of said town of Newton.

Repealer.

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

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

Approved March 30, 1869.

CHAPTER CCCXVI.

A Further Supplement to an act entitled "An Act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company," approved February twelfth, eighteen hundred and sixty-seven.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Newark, Bloomfield and Montclair Horse Car Railroad Company," be and they are hereby authorized to increase their capital stock to any amount not exceeding one hundred thousand dollars

above that now authorized by law, which increase of stock hereby authorized shall be subscribed for and issued in such manner, and at such time or times, and at such place or places, and in such amounts, and upon such terms as the board of directors of said company may deem expedient and proper.

May vary line of road from survey.

2. *And be it enacted*, That the aforesaid company be and they hereby are authorized and empowered to vary the line of their road, as now surveyed and recorded in the office of the secretary of state, at such places and points as in their opinion may best promote the public convenience and the interest of the stockholders; *provided always*, that a description of such variation or variations shall be deposited in the office of the secretary of state before the said company proceeds to construct their road pursuant thereto.

Proviso.

Township committee may change contract with company.

3. *And be it enacted*, That the township committee of any township in which the railroad of said company now runs, or may hereafter run, shall have full power to make, alter and change any contract with said company in relation to the location and construction of their railroad in such township, which contract, or a copy thereof, being filed in the office of the clerk of the county of Essex, shall be binding on such township and on said company.

May construct branches.

4. *And be it enacted*, That it shall be lawful for the said "The Newark, Bloomfield and Montclair Horse Car Railroad Company," and the said company is hereby authorized and empowered to construct a branch or branches from some suitable point or points in the line of their railroad in the townships of Bloomfield or Montclair, to some suitable point or points in either of said townships, and the said company is further authorized and empowered to build, construct, maintain and operate a railroad in any of the streets of the city of Newark, whenever the common council of the said city of Newark, by ordinance, shall consent to the same, subject, nevertheless, to the provisions of the act requiring the permission or consent of a majority of the owners of land in front of any such railroad and along which the same may be intended to be run or be constructed.

General powers.

5. *And be it enacted*, That for the purpose of carrying into effect the objects of this act, the said company shall be and they are hereby invested with all the rights, powers and authority and privileges given and granted by their original act of incorporation, and the several supplements thereto;

and they are hereby also subjected to all the duties, restrictions and liabilities contained in said acts, except so far as the same may be inconsistent herewith.

Extension of time of completion.

6. *And be it enacted*, That the time for the completion of the railroad authorized by the act to which this a supplement, be extended for three years from the time fixed by said act.

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

Approved March 30, 1869.

CHAPTER CCCXVII.

An Act relating to fees for impounding animals in the townships of Bloomfield and Montclair, in the county of Essex.

Fees for impounding animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the several pound-keepers in the townships of Bloomfield and Montclair, in the county of Essex, shall be entitled to have and receive the sum of forty cents for each horse, mule, goat, head of cattle, sheep or swine, to be paid for the use of the pound-keeper, for letting in and out of the pound kept by him; and the person bringing such animal to be impounded shall also be entitled to receive the sum of forty cents for every such animal so brought by him; and for feeding and attending, the pound-keeper shall be entitled to receive and have the further sum of forty cents per head, for all such animals, for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notices of sale, and for selling every such animal in the manner prescribed by law.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby re-

pealed so far as the same affect the townships of Bloomfield and Montclair aforesaid.

Approved March 30, 1869.

CHAPTER CCCXVIII.

An Act to incorporate the Woodbridge Tramway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Hall, William Paterson, William P. Edgar, Belthazer Kreischer, Alfred W. Jones, John R. Watson, Moritz Pinner, Hampton Cutter, Samuel Dally, David A. Flood, William Hall, their successors, assigns and associates, are hereby constituted a body politic and corporate to be known by the name and style of "The Woodbridge Tramway Company," and by that name and style, and as such corporation, to have the right for thirty consecutive years from the passage of this act to build, construct, maintain, use and operate within the limits of the county of Middlesex, in this state, one, or at the option of said corporation two trunk railroads, and to connect the same with clay mines and other mines, as also with factories, docks and landings in said county of Middlesex, by branches and tramways in the manner and under the restrictions hereafter provided for. Corporators. Name. May build and construct two trunk railroads.

2. *And be it enacted*, That for the purpose of carrying out and executing the objects and purposes named in the preceding section of this act, the said company shall have the right to purchase, lease, rent, hire, hold, convey and transfer within said county of Middlesex all such real estate, and to erect thereon all such buildings, docks, wharves and structures, and improvements of every kind as said company from time to time within the limits hereinafter provided for may deem necessary and proper; and the said company for the same purposes and within the same limits, shall also have the right to construct, purchase, hire and use all such cars, carriages and other vehicles, and all such machinery, mate- May purchase and hold real estate.

rials and articles as the said company may deem necessary, and to receive and pay all the rents, profits, compensations and emoluments that may be derived therefrom or become due thereon; and said company by and under the aforesaid name and style, shall also have the right to sue and be sued, plead and be impleaded in any of the courts of this state.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into and represented by shares of stock of fifty dollars each; also, that said capital stock at the option of the said company may from time to time be increased to any amount not exceeding the sum of two hundred and fifty thousand dollars, equally divided into and represented by shares of stock of fifty dollars each; also, that the time, mode and manner of increasing said capital stock within the aforesaid limits shall, before such increase does take place be provided for in the by-laws of said company; also, that said incorporators shall, within six months from the passage of this act, open books of subscription to and for the aforesaid fifty thousand dollars capital stock of said company, and shall publicly keep open such books of subscription for four consecutive weeks, to wit: for the first two weeks in the city of Perth Amboy, and for the next two weeks in the town of Woodbridge, in said county of Middlesex; also, that during the aforesaid consecutive weeks, no person, firm or corporation shall be allowed to subscribe for more than twenty five hundred dollars of the aforesaid capital stock of said company; also, that the board of directors hereinafter provided for, shall have the right to determine how, when and where the subscriptions to the aforesaid capital stock shall be paid; *provided however*, that such subscriptions shall be called for and shall be paid in installments of no more than twenty per centum of each subscription at any one time; *provided further*, that thirty day's time shall be allowed to pass between the calling for any one of said installments or the next; *provided further*, that the time of payment of every such installment shall be published in two newspapers in the county of Middlesex at least twenty days before such payment shall be required of subscribers; *and provided also*, that no such installment or installments shall be called for except when needed for the legitimate and immediate purposes of said company; and the said board of directors shall also have the right to declare forfeited to, and for the benefit of said company, all such

Books of subscription to be opened.

Proviso.

Proviso.

Proviso.

Proviso

shares of stock subscribed for as above, and on which installments shall have been called for as above, and shall have remained unpaid in whole or in part.

Time of organization.

4. *And be it enacted*, That as soon as said fifty thousand dollars capital stock of said company shall have been subscribed for as above, and ten per centum of the amount of such subscription shall have been paid thereon to any one by said incorporators authorized to receive the same, the said incorporators shall have the right to organize said company.

Directors, and how elected.

5. *And be it enacted*, That the business and affairs of the company shall be managed and conducted by a board of eleven directors, a majority of whom shall constitute a quorum for transaction of business; said board of directors shall be elected annually, on the second Monday in the month of January, by and from among the stockholders of said company, and shall remain in office until their successors shall have been duly elected and qualified; said board of directors shall also annually elect from among their number, a board of officers, consisting of a president, a vice-president, a treasurer and a secretary, and shall prescribe their duties and fix their compensations; and said board of directors shall likewise have the right to employ and pay all such agents, mechanics, laborers and other persons and employees as said board of directors may deem necessary for the benefit and the legitimate business of said company; and said board of directors shall also have the right to declare and pay all such dividends as may from time to time accrue to the stockholders of said company; the incorporators named in this act shall constitute such board of directors for the first year from the time of the organization of said company, and shall hold office until their successors shall have been elected and qualified as above.

Dividends.

Powers of directors.

6. *And be it enacted*, That the first board of directors shall have the right to enact all by-laws they may deem necessary for conducting and managing the business and affairs of said company, and thereafter annually, to wit: at the meeting called for the election of directors, and before proceeding to such election, the stockholders of said company shall have the right to make, alter and amend such by-laws by a majority of the votes present at such meeting; every share of stock aforesaid shall entitle the owner or holder thereof to one vote at all the meetings of the stockholders, and the owner or owners of said shares of stock shall have the right

and option to be represented in said meetings by proxy; all the meetings of the stockholders shall be called by the president and secretary of the said company, by giving previous to every such meeting two weeks notice thereof, in any two newspapers published in said county of Middlesex; and whenever said president and secretary shall neglect to call an annual meeting for the election of a board of directors, the stockholders of said company shall have the right to hold such annual meeting on the fourth Monday in such month of January, and to elect at such meeting a board of directors in the same manner as if such meeting and such election had taken place upon previous call on the second Monday in the same month.

Lines of roads

7. *And be it enacted*, That said one or two trunk railroads shall be located and constructed so as to run and lead from any part of said county of Middlesex in an easterly direction towards and to the Arthur Kull or Staten Island sound.

May survey and lay out road.

8. *And be it enacted*, That within two years from the passage of this act said company shall begin to survey, locate and construct at least one of the aforesaid two trunk railroads, and shall finish the construction thereof within five years from the passage of this act; said company, during and for the term of said five years shall also have the right to enter upon all lands within said county of Middlesex for the purpose of surveying for and locating such one or two trunk railroads, branches and tramways, doing no unnecessary damage to owners of such lands; but the construction of said one or two trunk railroads, branches and tramways shall only begin after the hereinafter named conditions and provisions for the purchase of lands shall first have been complied with on the part of said company; said company, while surveying for and locating said trunk railroads, branches and tramways, shall also have the right to test said lands for the purpose of determining or ascertaining the foundations necessary or obtainable for the construction of said roads, and said company shall be responsible for all damages done to such lands while thus testing the same.

Width of road.

9. *And be it enacted*, That the road beds upon which said company's trunk railroads, branches and tramways shall be located and constructed, shall have a uniform width of no more than thirty-three feet for every trunk railroad, and of no more than twenty feet for every branch and tramway; and said company shall have the right to increase the width

or widths of the beds of such road or roads only in cases wherein special permits for such increase shall have been given in writing to said company by the owner or owners of those lands required for such increase, as also in those cases wherein said company shall have acquired by open purchase and by voluntary transfer from the owner or owners the lands thus required for said increase of width.

Proceedings in case no agreement can be made with owners of property.

10. *And be it enacted*, That all the lands required by said company, for the construction of said trunk railroads, branches and tramways, as well as lands required for constructing turnouts, docks, wharves, slips, depots, machine shops and buildings and structures of every description, shall be acquired by said company by purchase from the owner or owners of such lands; but in cases wherein said company shall require particular lands for locating and constructing thereon said one or two trunk railroads or any part of the same, and cannot agree with the owner or owners of such lands in regard to the price to be paid for said lands, as well as in all cases wherein the owner or owners of lands required by said company for any of its purposes is or are legally incapacitated from disposing of the same, or is or are absent from said lands and with reasonable efforts cannot be reached, the said company shall have the right to deposit with the clerk of said county of Middlesex, the sum or sums of money offered to and refused by the owner or owners of the lands required as above, or in cases of legal incapacity or absence, as above, of the owner or owners of such lands, the sum or sums of money which said company or its agents deem a just and full pay and equivalent for said lands, and after making such deposit or deposits the said company shall have the right to enter upon and take full possession of such lands, for the purposes and within the limits hereinbefore mentioned; it shall also be the duty of said company, at the time of making said deposit or deposits, to deposit also with said clerk of the county of Middlesex, a full and exact description of each and every parcel or tract of land for the acquirement of which said deposits in money shall have been made, and the name of the owner or owners thereof, if ascertainable, and it shall further be the duty of said company within ten days after making every such deposit of money, to apply to any one of the justices of the supreme court of this state, for the appointment of a commission of three freeholders, for the purpose of ascertaining the value of or damage to the

land or lands thus taken possession of by said company; it shall be the duty of such justice, within ten days after receiving such application, to appoint such commission from among the freeholders residing in the township wherein the lands thus taken possession of shall be situated, and within thirty days after receiving such appointment said commission shall proceed to the particular lands thus taken possession of, against the will or in consequence of the absence or legal incapacity of the owner or owners thereof, and then and there after first notifying such owner or owners (when within reach by reasonable efforts) of the time and place of their intended meeting, said commission shall estimate and determine the value of the lands thus taken possession of by said company, as well as all damage done by said company to the owner or owners of said land, and to the party or parties occupying the same; within ten days from the time of making the estimate and determining the value or damage as aforesaid, the said commission shall in writing report to the aforesaid justice as well as to the president of said company, and to the owner or owners of said lands (if such owner or owners can with reasonable efforts be reached) the result of their proceedings; if the awards made by said commission shall not be accepted by such owner or owners of land the said owner or owners shall have the right to appeal to the circuit court of said county of Middlesex, and the decision of said circuit court shall in all such cases be final; the clerk of said county of Middlesex shall apply the sum or sums of money thus deposited with him, towards paying the owner or owners of said lands the amount or amounts awarded for said lands and damages by said commission or said circuit court, and if the sum or sums of money thus paid by said clerk, shall not be large enough to pay the whole of the aforesaid award or awards, and the costs of said justice, said commission and said circuit court then and in that case the said company shall pay to said owner or owners the unpaid part of said awards and costs, said owner or owners may also withdraw said application for a commission, or said suit in or appeal to said circuit court, and in such cases it shall be the duty of said clerk of the county of Middlesex, to turn over and pay to said owner or owners the amount of the deposit made as above for such owner or owners; the amount of the award or awards made as above by said commission or said circuit court, shall in all cases be offered, and if accepted shall be paid by said

Proceedings on appeal.

company to said owner or owners of land within twenty days from the time of making such awards.

11. *And be it enacted*, That said company shall have the right and power to run said railroads, branches and tramways across any railroads, highways and other roads upon the same grade or by bridging over or tunnelling under the same; *provided*, that no such crossing shall damage the interests of such roads, or reasonably impede travel thereon; *and provided, also*, that this shall not be so construed as to allow said company to run said railroads, branches and tramways lengthwise upon said railroads, highways and other roads, except as hereinafter provided for; and the said company shall also have the power to bridge any navigable or other streams over which their railroads, branches and tramways may pass; *provided*, they shall construct suitable draws and locks over such navigable streams so that the navigation thereof shall not be materially obstructed; and the said company shall also have the power to connect the said trunk railroads, branches and tramways with any and all railroads in said county of Middlesex for the purposes of transportation over said roads, under such agreement and for such compensation as may be agreed upon between the parties and roads interested.

May run across railroads and highways.

Proviso.

Proviso.

Proviso.

12. *And be it enacted*, That whenever the owner or owners of mines, factories, docks and wharves in said county of Middlesex shall petition said company to construct branch railroads or tramways into and to their respective mines, factories, docks, and wharves, and to connect the same with one or both of the trunk railroads of said company, it shall be the duty of said company to construct the same and to make such connections; *provided, however*, that such applicant or petitioner, when demanded by said company, shall first have guaranteed to said company for ten consecutive years an income or revenue out of such applied for branch railroad or tramway equal to seven per centum interest on the cost of such construction; at the end of said ten years said company shall have the right to abandon said branch railroad or tramway and to take up and remove all the materials out of which the same shall have been constructed, while the lands upon which said branch railroad or tramway shall have been located shall thereupon revert to the original owner or owners of said lands, or to his, her or their legal representatives.

Branch railways.

Proviso.

13. *And be it enacted*, That it shall be the duty of said

Must construct bridges, &c

company to construct culverts and bridges wherever it shall actually be necessary to drain the mines and lands adjoining the trunk railroads, branches and tramways of said company, and said company shall have the right to charge the costs of the construction of such culverts and bridges to those owners who become especially benefited by such culverts and bridges, and whose mines and lands shall not have been drained at the time the construction of the trunk railroads, branches, tramways and embankments of said company shall have been commenced alongside said mines and lands.

Shall provide crossings, &c.

14. *And be it enacted*, That said company shall provide suitable crossings over their trunk railroads, branches and tramways; such crossings shall be constructed at all points where said company's trunk railroads, branches and tramways intersect with highways, also at intervals of not more than four hundred feet if called for by owners of mines or lands adjoining said trunk railroads, branches and tramways, and also at intervals of less than four hundred feet when called for and paid for by such owners of mines and lands adjacent to said trunk railroads, branches and tramways.

Must not engage in mining.

15. *And be it enacted*, That under no circumstances whatsoever shall said company engage in the business of mining for or trafficking in clay, kaoline, sand and other minerals; it shall be the duty of said company after locating either one or both of said trunk railroads, to give notice and a description of such location to the owner or owners of the lands affected thereby, and a copy of such description shall also be filed in the office of the clerk of said county of Middlesex, which copy shall serve as such notice to owners who are absent or legally incapacitated.

Fares.

16. *And be it enacted*, That said company shall have power to receive, charge and pay all such sums of money for the transportation of property and passengers over their trunk railroads, branches and tramways as said company may deem reasonable and just to charge, or agree to pay; *provided, however*, that such charges by said company shall be pro rata uniform for all shippers and passengers.

Proviso.

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

Approved March 30, 1869.

CHAPTER CCCXIX.

An Act to incorporate the Union Pottery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Baltes Pickel, William White, Henry Smith, Joshua Jones and Elias Cook, and their associates be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of the "Union Pottery Company," for the purpose of manufacturing, selling, and dealing in earthenware and crockery of various descriptions, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of twenty-five thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid. Corporators. Name.

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient, for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase and hold real estate.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and the first directors shall be chosen at a meeting to be called by three of said stockholders, upon five days notice to each stockholder, and shall hold their office for one Directors, how chosen.

year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them shall have power to fill such vacancy by the appointment of any stockholders.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten day's notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Location.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access, at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for

Proviso.

the settling of all affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among its stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable. General powers.

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

Approved March 30, 1869.

CHAPTER CCCXX.

An Act to authorize the extension of Glenwood Avenue from Washington street, in the township of East Orange, in the county of Essex, to the intersection of Paterson street, in the town of Orange, in said county, with a street called Essex street.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Britton and Richard B. Harrison, of the township of East Orange, and Stephen W. Tichenor of the town of Orange, be and they are hereby appointed commissioners, and are authorized and invested with all the rights, powers and authority necessary and expedient to survey, lay out, locate and open an avenue, which shall be sixty feet wide between fences, said avenue to be called Glenwood avenue, and be considered an extension of the avenue of that name, in said township of East Orange; said avenue to commence in the westerly line of Washington street in said township of East Orange, so that the centre of the same shall be at at a point directly opposite the centre of Glenwood avenue aforesaid, where said Glenwood avenue intersects said Washington street, and thence running south Commissioners to open avenue.

forty-four degrees west, about one hundred [and] seventy-seven feet and six inches to a monument stone; thence in a direct line in a southwesterly direction to a point where the centre of the said avenue to be opened would intersect the street called Essex street, at the distance of thirty feet southeasterly from the westerly line of Paterson street in the town of Orange aforesaid; and it shall be lawful for the said commissioners, their agents, engineers, surveyors, and others in their employ, to enter at all times upon lands for the purpose of surveying, locating and laying out the route of said avenue; and the commissioners, before they enter upon the duties prescribed by this act, shall take an oath or affirmation to act faithfully and impartially in the execution of their trust.

Avenue, when opened, shall be worked.

2. *And be it enacted*, That the said commissioners shall complete the surveying, laying out and opening of the said avenue on or before the first day of May, eighteen hundred and sixty-nine; and immediately after the completion of the survey they shall file a copy of the same in the office of the county clerk of said county; and after the said avenue is laid out by the said commissioners, and worked to the proper grade by the land owners benefited thereby, it shall thereafter be worked and kept in order by the township of East Orange and the town of Orange respectively, each working so much of it as lies within their territorial limits.

Assessment of damages and benefits on owners of lands.

3. *And be it enacted*, That the said commissioners or a majority of them, shall have full power and authority to allow damages, and assess benefits to the persons owning the lands upon which said avenue may be located, and through which it may run; *provided*, that should damages be allowed to persons for lands taken for said avenue, which amount to more than the benefits assessed them, the said commissioners or a majority of them, shall have power and authority to assess such excess of damages upon the owner or owners of the lands who in the opinion of the commissioners or a majority of them, are benefited thereby, and in such proportion as to said commissioners or a majority of them may seem fit and just; and the said commissioners shall cause to be served on the owners of lands upon which said avenue may be located, written notice of the time and place of meeting of the commissioners, to assess damages by reason of the taking of his, her, or their lands for said avenue, which notice shall be served at least six days before the time of such meeting, upon

such owner or owners, personally or by leaving a copy of said notice at his, her or their usual place of abode, and if the place of abode cannot be ascertained, then by publishing said notice in some daily newspaper in said county for six days; and a like notice shall be served in the same manner by said commissioners upon any land owner or owners who shall be deemed by said commissioners to be benefited by said avenue, of the time and place when and where the said commissioners will proceed to assess benefits.

Owner may appeal from assessment.

4. *And be it enacted*, That if any owner or owners of land so taken, or upon whom benefits are assessed as aforesaid, shall be dissatisfied with the assessment of said commissioners, he, she or they may within ten days after a copy of the decision of the commissioners shall be served upon them (which copy may be served in the manner prescribed for serving the notices mentioned in the third section of this act) appeal from such decision, by filing a written appeal with one of the justices of the supreme court of this state, and the justice being satisfied by due proof that six days' notice has been given in writing to said commissioners of the time and place, shall proceed to appoint three disinterested men who shall be residents of the said county of Essex, to review the said assessments of damages and benefits made by said commissioners, and to lessen, increase or confirm the same as to them shall seem fit and just, and their report, or the report of a majority of them, filed in the office of the clerk of the court of common pleas of the county of Essex, shall be final and conclusive; and such notice as is required in the third section of this act, shall be given by the persons authorized to be appointed under this section, to the said commissioners and the owners of lands assessed by said commissioners of the time and place of meeting, to review the said assessments; and the person so appointed as aforesaid to review said assessments shall, before they enter upon their duties, take an oath or affirmation to act faithfully and impartially.

Appeal shall not prevent opening of avenue.

5. *And be it enacted*, That notwithstanding any appeal from the decision of the commissioners named in the first section of this act, it shall be lawful for the said commissioners to proceed with the opening of said avenue over the lands upon which it shall be located, if the sum or sums awarded for damages by said commissioners be first deposited with the clerk of the court of common pleas of the said county of Essex, to be applied to the payment of the amount that may be

awarded upon a rehearing, or to the payment of the land owner or owners, should the appeal be withdrawn, abandoned or otherwise discharged.

Assessment a lien on lands

6. *And be it enacted*, That if any land owner or owners shall neglect to pay the amount of his, her or their assessments for benefits, as made and determined by virtue of the provisions of this act, for the space of three months after notice from said commissioners of the amount of said assessment as assessed by them, or in case of an appeal by said land owner from the decision of said commissioners, as provided in the fourth section of this act, then for the space of three months after the amount of said assessment shall have been finally determined by the persons authorized to review said assessments and their report filed with the clerk as aforesaid, it shall be the duty of the said commissioners and they are hereby authorized and empowered to sue for and collect by law, with costs of suit, in their own name (as commissioners aforesaid) from said land owner, the amount of said assessment; and that any assessment for benefits, made by virtue of this act, shall be and remain a lien on the lands benefited until paid.

Expenses assessed on owners of lands.

7. *And be it enacted*, That the expenses incurred by the commissioners in and about the surveying, locating and opening of said avenue, shall be determined by them, and thereupon be assessed by them on the owner or owners of the lands benefited by the opening of said avenue, in the same manner and at the same time as they shall make the other assessments authorized by this act and may sue for and collect the same in the same manner and at the same time as is hereinbefore provided for collecting assessments for benefits; and the said commissioners and the persons appointed by virtue of the fourth section of this act shall each receive, as compensation for their services under this act, the sum of two dollars per day for each and every day they shall be actually engaged in and about their duties under this act.

Vacancies, how filled.

8. *And be it enacted*, That in case of the death of any commissioner named in the first section of this act, any justice of the supreme court of this state may, on application made to him by the surviving commissioners, appoint a person to fill the vacancy occasioned by the death of said commissioner, and such person so appointed having taken the oath or affirmation required of said commissioners, said commissioners shall thereupon proceed as though no vacancy had occurred.

9. *And be it enacted*, That all acts and parts of acts inconsistent with this act, and contrary to the provisions of the same, be and the same are hereby repealed, so far as the same affect the proposed avenue. Repealer.

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

Approved March 30, 1869.

CHAPTER CCCXXI.

An Act to incorporate the Sea Girt Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Paul Thurlow, Charles Bartles, Isaac S. Buckelew, David M. Rue, Forman Osborn, Aaron R. Throckmorton and Amzi C. McLean, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name of "The Sea Girt Land Improvement Company," and by that name shall be capable, in law, of purchasing, using, holding, letting, improving and disposing of such real and personal estate, in the county of Monmouth, as may be necessary or expedient to the objects of this incorporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the said purposes. Corporators. Name.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Monday in May in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the Directors, how elected.

stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Monmouth; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint all agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Paul Thurlow, Charles Bartles, Isaac S. Buckelew, David M. Rue, Forman Osborn, Aaron R. Throckmorton and Amzi C. McLean, who shall hold their offices until the first Monday in May next, or until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions, as they shall deem proper, not exceeding twenty-five dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Monmouth, or be given, in writing, to the stockholders for the same length of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corpora-

Non-payment of installments to work a forfeiture of stock.

tion shall be opened at such time and place, and remain open in the said county of Monmouth, as long as the directors shall appoint, notice being given previous thereto, for two weeks, in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation, by their by-laws shall direct.

May sell and improve real estate, &c.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable.

May make by-laws.

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

Proviso.

Not dissolved for failure to elect.

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

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

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

Approved March 30, 1869.

CHAPTER CCCXXII.

A Supplement to an act entitled "An Act to incorporate the Pequest and Wallkill Railroad Company," approved February twenty-third, eighteen hundred and sixty six.

May connect with other railroads, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Pequest and Wallkill Railroad Company to organize under their act of incorporation whenever two hundred thousand dollars of its capital stock has been subscribed for, in the manner prescribed therein; and it shall also be lawful for said company to make such connections or consolidations with any other railroad it may intersect, as in the judgment of a majority of its stockholders will best advance its interests; and it shall also be lawful for said company to bridge the Delaware river at some point at or near the town of Belvidere, in the county of Warren, with a concurrent act from the state of Pennsylvania.

May bridge the Delaware.

Time of commencement extended.

2. *And be it enacted*, That the time for the commencement of the construction of the first division of said railroad may be extended until the first day of July, eighteen hundred and seventy-one.

Repealer.

3. *And be it enacted*, That all parts of the original act, approved February twenty-third, eighteen hundred and sixty-six, of which this act is a supplement, and inconsistent with this act, are hereby repealed.

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

Approved March 30, 1869.

CHAPTER CCCXXIII.

An Act to enable the owners of the meadows and low lands, known as the "Salem Town Meadows," in the county of Salem, New Jersey, to re-survey and re-value all the lands and meadow now subject to assessment for sluiceway, water course, ditch or drain repairs within its limits, with authority to embrace in said survey and valuation all other lands which are now drained by means of ditches into the water courses of the said "Salem Town Meadow Company" not heretofore or at this time subject to assessment, and giving to the manager or managers of said madow company and to their successors in office full power and authority in the law to cause all lands which may be hereafter drained by means of ditches, or otherwise, into or through the water courses of said meadow company, or into the ditches or drains of any of the owners of meadow in said meadow company which lead to their main water courses, liable to assessment, and to pay their proportion of the expenses of keeping up and maintaining the sluices, water courses, ditches, or other water works of the said Salem Town Meadow Company.

Preamble.

WHEREAS, it is represented to the legislature that there are several hundreds of acres of meadows and low lands, known as the "Salem Town Meadows," commencing at Salem creek, in the county of Salem, and extending along the southerly boundary line of the city of Salem, being partly within the limits of the said city of Salem, and partly within the limits of the adjacent township of Elsinboro', a considerable portion of which said meadow is at this time of little value in its present condition to the owners thereof for agricultural or any other purposes, chiefly from the fact that the owners of the adjacent farm lands and of the lands in the surrounding country are in the practice of draining their farm lands by means of ditches into the water courses of the said Salem Town Meadow Company without any compensation, thereby producing a larger flow of water than can find vent through the water courses and sluices of said Salem Town Meadow Company, to the seri-

ous injury of the meadow lands belonging thereto, and detrimental to the health of the inhabitants of the city of Salem and the adjacent country during the summer months, and there is no existing law to enable the owners of the said meadow lands in the said Salem Town Meadow Company to enforce assessments for said privileges, thereby subjecting them to increased expenditures in keeping up and maintaining the necessary drains and water courses or other water works, for the preservation of their said meadow lands:

Commissioners to drain lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elisha Bassett, Eli Sharp and Martin Patterson, citizens residing in the county of Salem, shall be, and they are hereby appointed commissioners for the purposes hereinafter stated; and it shall be the duty of said commissioners, or a majority of them (they having first taken, severally, an oath or affirmation before some person duly authorized to take the same, faithfully and impartially to do, execute and perform the duties required of them by this act, according to the best of their ability and understanding,) as

Proceedings thereon.

soon as practicable after the passing of this act, to cause all the lands, meadows, or low lands which have been heretofore subject to assessment within the limits of the "Salem Town Meadow Company," in the county of Salem, New Jersey, to be carefully and strictly measured, and a draft or plot to be made of them, showing the quantity and number of acres held by each person respectively, as nearly as practicable from former surveys, duplicates or other reliable sources of information, and after such survey shall be had and made shall re-value the said lands, meadows, or low lands, and in making said said re-valuation, they shall take into consideration the quantity and quality of each owner's lands, meadow, or low lands, and its condition, and the said commissioners or a majority of them, shall also make a careful examination of all the adjacent lands or of any lands which shall come to their notice or knowledge, which are now drained by means of ditches into the water courses of the said "Salem Town Meadow Company," and not heretofore or at this time subject to assessment, and shall include the said lands in said survey and make a valuation thereof, and in making said valuation they shall take into consideration the quantity and quality of each owner's land, meadow, or low lands, and its condition, and the benefits which each

owner thereof as such owner will hereafter derive from the privilege of draining his lands into the water courses of said "Salem Town Meadow Company," and the said commissioners or a majority of them are hereby authorized and required to give five days' notice in writing to the owners or possessors of said lands, meadow, or low lands, that have not been heretofore or at this time are subject to assessment, of the objects of said survey, and of the time and place when they will be heard of their objections, if any they have, why their said lands should not be assessed according to the benefits received by the drainage thereof into the water courses of the said "Salem Town Meadow Company," and after such hearing the decision of the said commissioners or a majority of them shall be final, conclusive and binding upon all parties; and the said commissioners or a majority of them shall state their re-valuation of the old or former Salem Town meadow lands, and their valuation of all the new lands, meadow or low lands, brought in and surveyed by them in one regular duplicate containing the names of the owners and the number of acres and parts of acres held by each owner or possessor, and they shall deliver such duplicate to the treasurer of said "Salem Town Meadow Company," according to which all and any assessments for the purpose of defraying the expenses incidental to the passing of this act, the proceedings of the commissioners, the expenses of keeping up and maintaining the sluices, water courses, drains or other water works of said meadow company, shall be made and collected in the manner hereinafter set forth.

Further proceedings.

2. *And be it enacted*, That after the commissioners, or a majority of them, shall have performed the services hereinbefore specified to be performed by them, they shall examine the various water courses of said meadow company, and if they consider it proper and necessary, may re-establish the present water courses or alter the location thereof and make such additions thereto by locating new water courses, all of the same to be of such width and depth as to them may appear most safe and beneficial to the whole of the owners and possessors of the lands, meadow or low lands, intended to be embraced within the limits of the said Salem Town Meadow Company, and maps showing the location, courses, distances, width and depth of the said water courses to be annexed to and accompany the said survey and to be delivered by them to the treasurer of said meadow company.

Vacancies, how filled.

3. *And be it enacted*, That in case of the death, inability or refusal of any or all of the said commissioners to perform the duties herein above set forth and required, it shall be lawful (upon the written application of any three or more owners of meadow or low land in said meadow company) for any judge of the court of common pleas of the county of Salem to fill such vacancy or vacancies forthwith by a written certificate, under his hand and seal, and such commissioner or commissioners so appointed, having first taken the proper oath or affirmation as prescribed in the first section of this act, shall have power and authority to act in the place or stead of such commission or commissioners as may die, refuse or be incapable to act as aforesaid.

Compensation

4. *And be it enacted*, That after the said commissioners, or a majority of them, shall have performed all of the duties required of them by this act, their functions shall cease, and they shall be entitled to receive for their services for each and every day actually employed therein each the sum of three dollars and all expenses attending the employment of surveyors, their assistants and chain bearers to be paid by the treasurer of the said Salem Town Meadow Company.

Managers to make assessments on owners of land.

5. *And be it enacted*, That after the commissioners shall have performed all the duties herein above required of them by this act, that the manager or managers of the said "Salem Town Meadow Company," and their successors in office; shall have full power and authority in the law to cause all lands which may be hereafter drained by means of ditches or otherwise into the water courses of the said "Salem Town Meadow Company," or into the ditches of any of the owners of meadow which lead into the water courses of said meadow company liable to assessment, and to pay their proportion of the expenses in keeping up and maintaining the sluices, water courses, drains, or other water works of said meadow company according to the benefits to be received by the drainage thereof; and in case said manager or managers cannot agree with the owner or owners of the lands so as aforesaid attempted to be drained, as to the amount or number of acres to be assessed, the said manager or managers shall choose one disinterested freeholder, resident in the township in which the land is proposed to be assessed, and the owner or owners of the land shall choose another disinterested freeholder, resident as aforesaid, which two parties shall choose a third disinterested freeholder, resident as aforesaid; and the three

Proceedings when managers and owners of property cannot agree.

persons so chosen shall view the premises, and hear the parties, and determine the number of acres or parts of acres to be assessed; and their decision, or the decision of a majority of them, put in writing under their hands, shall be binding and conclusive on the parties, and may be made matter of record in the proper book for recording such writings, in the clerk's office in the county of Salem; and it shall be the duty of the said manager or managers, after he or they shall have received a copy of the said decision, to place or cause to be placed on the duplicate of the said meadow company the name of said owner of land, and the amount or number of acres, or parts of acres, he is to be assessed with, the amount assessed to be collected in the manner hereinafter set forth.

Parties aggrieved may appeal.

6. *And be it enacted*, That if any owner or owners shall think him, her or themselves aggrieved by the proceedings of the commissioners appointed as aforesaid, or by the proceedings of the freeholders as provided for in the fifth section of this act, he, she, or they conceiving themselves so aggrieved shall apply to the court of common pleas of the county of Salem in the manner directed by the first section of the act entitled, "An Act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different persons, to keep the same in good repair," passed November twenty-ninth, seventeen hundred and eighty-eight, which is hereby directed to appoint double the number of commissioners as were appointed for the proceedings complained of, a majority of whom, after giving notice, hearing the parties, and viewing the premises, may, and they are hereby empowered and directed to make a different order of assessment as to such owner or owners, and to alter, shut up or relay the watercourses or any watercourse, widen or narrow the same, at their discretion, in such manner as to them may seem most beneficial for the safety and improvement of the meadows, and just and equitable between all parties concerned; and make a certificate thereof in writing under their hands to be recorded by the clerk of the said court, in the proper book for recording such proceedings.

Repealer.

7. *And be it enacted*, That all acts and part of acts conflicting with or inconsistent with the provisions of this act, so far as they relate to the "Salem Town Meadow Company," be and the same are hereby repealed; and that the rest of the doings and proceedings of said "Salem Town Meadow Company,"

of every nature and kind soever, shall be hereafter performed and conducted in the same way and under the same powers, and with the same limitations and restrictions, agreeably to the act entitled "An Act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different owners, to keep the same in good repair," passed November twenty-ninth, anno domini, seventeen hundred and eighty-eight, and the various acts supplemental thereto.

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

Approved March 30, 1869.

CHAPTER CCCXXIV.

An Act to incorporate the Phillipsburg Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Runkle, James McKeen, John Rutherford, Alexander Wilson, John Ingham, J. C. Platt, S. C. Brown, S. W. Barnard and John H. Brown, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Phillipsburg Manufacturing Company," for the purpose of manufacturing bar iron, splice bars, chairs and other railroad supplies, nails, rivets and other implements and tools of which iron is the chief component; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or part, in payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Name and objects.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May hold real and personal estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, John Rutherford, Daniel Runkle, John Ingham, J. C. Platt and S. C. Brown, being stockholders, shall be directors of said corporation, a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect a full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Directors, how elected, and their powers.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election. Not dissolved by failure to elect.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written state- Annual statement.

ment of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of assets and property belonging to said corporation, as nearly as the same can be ascertained.

Place of business, &c.

6. *And be it enacted*, That the principal office of said company shall be in the town of Phillipsburg, in the county of Warren, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

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

Proviso.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 30, 1869.

CHAPTER CCCXXV.

A Supplement to the act entitled "An Act to incorporate the National Storage Company," approved April eleventh, eighteen hundred and sixty-seven.

May connect, by consent, with New Jersey railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the National Storage Company be and is hereby authorized and empowered, with the consent of the New Jersey Railroad and Transportation Company, to connect by railway, the storage depots of the said National Storage Company, in the county of Hudson, in this state, with the railroad of the said New Jersey Railroad and Transportation Company at any point that may be agreed upon by said companies, between the Hudson and Hackensack rivers; and that in the construction of such railway connection, the said National Storage Company shall have like authority and power to make surveys, and enter upon and take land, subject to compensation to be made therefor, as is provided by the sixth, seventh and eighth sections of the act entitled "An act to incorporate the Somerville and Easton Railroad Company," approved February twenty-sixth, eighteen hundred and forty-seven.

May increase capital stock.

2. *And be it enacted*, That the stockholders of the said National Storage Company shall have the right to increase its stock and debt from time to time, in the relative proportions prescribed by its charter, to the extent they shall from time to time deem needful, to perform what they have or may be given authority to do.

Change of corporate name.

3. *And be it enacted*, That the stockholders of the said National Storage Company may change the corporate name of said company, and it shall be lawful for its office to be established at any point in Hudson county of this state.

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

Approved March 30, 1869.

CHAPTER CCCXXVI.

An Act relating to the Records in the office of the Surrogate of the county of Bergen.

Preamble. WHEREAS, in the records of the surrogate's office of the county of Bergen, since the first of February, eighteen hundred and forty-seven, and during the terms of office of the late surrogate of said county, who is now deceased, there are defects by reason of the omission to enter upon such records matters required by law to be entered upon them, and it is expedient for the protection of titles to property and of the rights of persons concerned that such defects should be remedied; therefore,

Duties of the surrogate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the surrogate of the county of Bergen be and he is hereby authorized and required to record in the proper books in his office all wills admitted to probate by the surrogate of said county since the first day of February, eighteen hundred and forty-seven, and the proofs thereof, and the letters testamentary granted thereon, all letters of administration and letters of guardianship granted by said surrogate, all inventories proved before him, all receipts and discharges left for recording during that time, and all bonds required by law to be recorded, including the signature of the former surrogate in cases where the same ought to have been recorded, and to complete the record of all such matters where the record is not now complete, in cases where such records shall not have been made or completed by the former surrogate; *provided*, there shall be sufficient data found in said office, or in the registry of the prerogative court, or produced before such surrogate, from which to make such entries with reasonable certainty; and such entries when so made shall have the same force and effect as if made and recorded by the surrogate by whom the same ought to have been made and recorded.

Proviso.

Duties of the presiding judge. 2. *And be it enacted*, That such justice of the supreme court as may be the presiding judge of the Bergen county orphans' court is hereby authorized and directed in all cases where it shall be made to appear to him by sufficient proof

to his satisfaction that any rule, order or decree was made by said court, or other proceedings had therein since the first day of February, eighteen hundred and forty-seven, which has not been signed by a judge of said court, and of which no entry has been made in the minutes or records of said court, to order the clerk of said court to enter upon its minutes or records such rule, order, decree and proceedings in such manner and form as he shall be satisfied such decree and proceedings ought to have been entered, and the clerk of said court shall thereupon make said entries as directed by such justice, and shall also record all decrees signed by any judge as the decree of the court and not recorded, and shall record and make such entries consecutively in a separate book to be provided for that purpose, or upon pages of the books of the records of said court separate from the other records of said court, with a caption stating them to be made by virtue of this act, which entries when made shall be inspected by said justice, who shall certify at the end of each series submitted to him that they are authorized by him by virtue of this statute; and when so made and certified such entries shall have the same force and effect as if made by the clerk of said court at the time when such rules, orders, decrees or proceedings were made or had; and such justice may for the purpose of effecting the objects of this act direct such proof to be taken and produced before him as he may deem proper.

Fees and compensation to be allowed.

3. *And be it enacted*, That for any records made or perfected by the surrogate by virtue of the first section of this act, the surrogate shall be allowed the fees which are allowed by law for making such record of like matters during his own term, and for recording rules, orders, decrees and proceedings of the orphans court directed by the second section of this act, the clerk of said court shall be allowed at the rate of twelve cents per folio; and the justice who shall direct such entries to be made shall be entitled to receive the same fees for ordering any rule, order, decree or other proceeding to be recorded as the court would be entitled to if such rule, order, decree or proceeding had been then made; and the clerk shall be entitled to receive for preparing such rules, orders, decrees or proceedings for approval of said justice such sum as said justice may certify is a proper and reasonable compensation therefor.

How paid.

4. *And be it enacted*, That such compensation shall be paid by the board of chosen freeholders of the county of Bergen

out of the funds of the county, and that this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCXXVII.

An Act to repeal the act entitled "An Act in relation to the inspection of Steam Boilers, and for the better protection of life and property against accidents by steam boiler explosions," approved April sixteenth, eighteen hundred and sixty-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act in relation to the inspection of steam boilers and for the better protection of life and property against accidents by steam boiler explosions," approved April sixteenth, eighteen hundred and sixty-eight, be and the same is hereby repealed.

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

Approved March 30, 1869.

CHAPTER CCCXXVIII.

An Act to legalize the action of the trustees of Perseverance School District, of Hamilton township, Atlantic county, New Jersey.

Preamble.

WHEREAS, The inhabitants of Perseverance school district, in Hamilton township, Atlantic county, New Jersey, on the twenty-first day of February, anno domini, one thousand

eight hundred and sixty-six, did authorize the trustees of said school district, by a two-third vote, to raise the sum of four thousand five hundred dollars in the year eighteen hundred and sixty-six for the purpose of buying land and erecting thereon a public school house in and for the said school district, and said trustees did make the proper affidavit and deliver to the assessor of the said township, and the said sum of four thousand five hundred dollars was assessed, but by reason of large deductions made by commissioners of appeals, &c., the said sum was not raised to the full amount authorized; and whereas, the said trustees meeting together in July, eighteen hundred and sixty-seven, did try to the best of their ability to obtain from the collector of the said township the exact amount raised by him, in order to make up the deficiency, and according to the best knowledge that they could obtain they were deficient about one thousand dollars, they the said trustees did give notice to the assessor of said township, in the year eighteen hundred and sixty-seven, to assess in the said school district the sum of one thousand dollars, which said sum was by him assessed in said school district, and of which said last assessment of one thousand dollars the sum of seven hundred dollars has been paid, and the balance is refused because, as it is alleged, that the action of the said trustees in the said last assessment in the year eighteen hundred and sixty-seven was illegal; therefore,

Action of the trustees legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said action of the said trustees in the year eighteen hundred and sixty-seven be and the same is hereby made legal, and the said collector of the said township shall have power to collect the balance due of the last said assessment of one thousand dollars, in the same manner and form as established by law for the collection of other taxes.

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

Approved March 30, 1869.

CHAPTER CCCXXIX.

A Further Supplement to an act entitled "An Act to regulate Fees," approved April fifteenth, eighteen hundred and forty-six.

Fees that shall be allowed to sheriff.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the sheriff of the counties of Mercer, Passaic and Middlesex, in this state, shall be allowed for crying every sale of personal property made by virtue of any execution, the sum of five dollars; for serving every execution, two cents out and in for every mile, to be computed from the court house, and for every day engaged in attending the regular terms of the courts of the county, the sum of three dollars per day.

Repealer.

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

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

Approved March 30, 1869.

CHAPTER CCCXXX.

A Further Supplement to an act entitled "An Act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings," approved February eighteenth, eighteen hundred and forty-six.

Duties of the township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition in writing

shall be presented to the township committee of the said township of Bloomfield, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the said points named, and upon that side of the street named in said petition, laid with stone, plank or composition, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used and the width of walk to be made, which said width shall not be less than four feet, the said township committee shall immediately proceed to lay the same, or cause the same to be laid in accordance with the request of such petition, and when the cost of constructing such sidewalk shall have been ascertained by said committee, they shall assess said cost upon the owners of the lands in front of which such sidewalk shall have been laid upon the same side of the street; *provided*, that in case a sidewalk shall have been already constructed of stone, plank or composition on any part of the ground embraced in the terms of the petition, which, in the judgment of the town committee shall be as good as that in said petition requested to be laid, they shall not take up such previously constructed sidewalk nor make any assessment against the owner of the lands for the number of feet thus previously laid. Proviso.

2. *And be it enacted*, That the basis of the assessment shall in all cases be the number of lineal feet owned by each person in front of whose land the said sidewalk shall be laid, upon the same side of the street and between the points named as aforesaid and all land owners between the points named in the petition, and upon that side of the street for which such sidewalk is requested may be petitioners, whether excepted from the assessment or not; the township committee shall deliver to the township collector a copy of the said assessment when made, and the said collector shall include in the tax bills of the persons against whom sums shall have been assessed by virtue of this act, the respective sums so assessed against them, which are hereby made payable and collectable at the same time, and in the same manner and by the same means as the township taxes; and the said township committee is hereby authorized on the credit of said township to negotiate for the use of such sums of money from time to Duties of the township collector.

time as it may be necessary for them to employ in carrying out the purposes of this act.

Powers and duties of the township committee.

3. *And be it enacted*, That the township committee of said township shall have power, and it is hereby made obligatory upon them, to expend of the whole amount voted by the annual meeting, to be raised for the repair of highways in said township, a sum not exceeding one-fourth part thereof, in case so much shall be necessary, for the purpose of leveling, grading and preparing such portions of the sidewalks in said township, as may be petitioned for to be laid with stone, plank or composition, as provided in the first section of this act, to receive such stone, plank or composition so petitioned to be laid, and shall also cause the grades of the streets and sidewalks of said township to be established, and profiles thereof to be deposited with the clerk of said township, to be preserved by him and by him exhibited to such persons as may desire to examine them; and the sidewalks constructed under the provisions of this act, as well as all others in said township, shall be laid and made to conform to such established grades.

To regulate planting of shade trees.

4. *And be it enacted*, That the township committee of said township shall have power to pass, by a majority of their number, such ordinances, by-laws and regulations as they may judge proper to direct and regulate the planting, rearing and trimming of shade and ornamental trees, to abate and remove all nuisances in the streets and public places in said township and to cause the snow to be removed from the sidewalks therein.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, and that this act shall be a public act and shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCXXXI.

An Act to incorporate the Republic Life Assurance and Trust Company of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Morgan L. Smith, Francis Macken, Edwin C. Burt, Moses Bigelow, Adolph Schalk, William R. Sayre, James B. Boylan and others, their associates, successors and assigns are hereby constituted and declared a body politic and corporate, for the purposes of life assurance and a trust company, and by the name of "The Republic Life Assurance and Trust Company," may sue and be sued, plead and be impleaded in all courts of justice, and to have and use a common seal, and by that name they and their successors are empowered to purchase, hold and possess real or personal estate for the use of said corporation.

Name.

Election of trustees.

2. *And be it enacted*, That the stockholders and those insured shall be entitled to vote for trustees, in manner as provided by the by-laws of the company, and that the property, real and personal of the said corporation, as well as the business of the said incorporation, shall be managed by a board of not less than seven nor more than twenty-one trustees, a majority of whom shall be citizens of this state, to be chosen yearly by ballot and until an election for trustees shall be held according to the provisions of this act, the persons named in the first section, or a majority of them, shall have the management of said corporation, and shall have power to fill any vacancy.

Married woman may insure the life of her husband.

3. *And be it enacted*, That it may be lawful for the corporation to make assurance predicated upon the lives of persons, on such terms and conditions as shall be provided for by the said corporation, and to make contracts upon any and all conditions appertaining to or connected therewith of whatever kind or nature, or to grant survivorships, purchase or dispose of annuities, and accept trusts; and it shall be lawful for any married woman in her own name, or name of a third person as trustee, to cause to be insured the life of her husband or any other person; and in case of her surviving her husband or other person, the net amount of assurance

shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors of her husband or other persons; and in case of the death of the wife before the decease of her husband or other person, the amount of the assurance may be made payable as by her directed, or by her legal heirs.

May raise a guarantee capital.

4. *And be it enacted*, That the trustees, or a majority of them, shall have power to raise a guarantee capital to be held in such manner as they shall deem expedient and for the better security of the assured, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the best management and disposition of the stock, property and effects of the corpotion, and in all such matters as appertain to the working and government of the association; *provided*, that such by-laws shall not be repugnant to the constitution or laws of this state or of the United States.

Proviso.

Election of president.

5. *And be it enacted*, That the trustees in each year after the annual meeting shall choose one of their number for president, and may choose another for vice-president, who shall perform the duties of president in his absence; and the funds of the corporation shall be invested in loans or bonds and mortgages upon real estate of double the value of the debts secured thereon, or in United States bonds or stocks, or in state stocks or bonds, or in bonds or stocks of solvent cities or corporations as may be approved of by a majority of the board of trustees.

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

Approved March 30, 1869.

CHAPTER CCCXXXII.

An Act to incorporate the Fire Association of Trenton, New Jersey.

WHEREAS, the several fire engine and hose companies of the city of Trenton, in order to promote harmony and friendly intercourse among them, to establish those just relations that ought to exist among institutions whose views are similar, and to enable them more effectually to perform their philanthrophic duties, do form themselves into an association under the name of "The Fire Association of Trenton, New Jersey," each company having selected two delegates who shall be the trustees for one year from the first day of April, eighteen hundred and sixty-nine, and are desirous that the said trustees and their successors in office may enjoy the rights and immunities of a corporation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Taylor, Lewis Parker, junior, William H. Barton, George Furman, Charles B. Cogill, John O. Raum, Joseph Milburn, Charles Megill, William Johnston, junior, Abraham Chamberlain, Henry C. Kafer, James S. Kiger, John G. Bigelow, Herbert N. Ryan, Robert Jackson and William Roberts, and their successors in office, be and they are hereby constituted a body corporate, in law and in fact, by the name of "The Fire Association of Trenton, New Jersey," and by that name shall have perpetual succession, may plead and be impleaded, sue and be sued, in any of the courts in this state, and may adopt and use a common seal, and alter and renew the same at pleasure. Corporators. Name.

2. *And be it enacted*, That the above named trustees shall be and continue in office for one year, or until others are chosen in their place by the respective fire company they shall represent, and a majority of said trustees shall constitute a quorum for the transaction of business.

3. *And be it enacted*, That at the first meeting of the said board of trustees next after their election, they shall for the well government of the affairs of the association committed to their charge, elect such officers therein, at such salaries or Officers.

compensation, and take such securities for the faithful performance of their duties as they the said board of trustees shall deem expedient; but no trustee shall be security for any officer or officers from whom by this act security is, or by any law or regulation of this corporation, security may be, required, and the said officers so elected shall enter on the duties of their office as soon as they shall have given the requisite securities, and in case the appointments hereby directed shall not take place on the day specified, they may be made on any other subsequent day prior to the first day of May in each and every year, special notice of the elections of officers shall always be given to each of the trustees, and in taking security it shall be lawful for the trustees so to take the same, that it shall be continued in case of the re-election of the same person or persons.

General powers.

4. *And be it enacted*, That the said trustees shall have power and authority to hold, in fee simple, such real estate as may be by them thought necessary for the transaction of their business, or for the occupancy of their officers, or which shall be taken and held in security for the payment of debts due the corporation, or purchased by them at any sale by a marshal or sheriff, or otherwise, of lands under mortgage or judgment of the corporation, or against which they have a mortgage or judgment, and the same from time to time to sell, demise, grant, alien or dispose of, and to make and enter into contracts with any person or persons, bodies politic or corporate, for the insurance of houses, tenements and other buildings, and on goods, wares, merchandize, and effects therein, and generally on all kinds of buildings, goods, wares, merchandize, agricultural implements and products, and property of every description, from loss or damage by fire, in the city of Trenton, and the township of Hamilton, bordering on said city, not exceeding one mile from the boundary line of said city; the said trustees shall take charge of all the funds and other property belonging to the association, and may make by-laws for their own government and that of their officers, two-thirds of the whole number of the trustees consenting thereto, and a majority of the whole number shall constitute a quorum for the transaction of business; they shall invest, lay out, or lend upon good and sufficient security, such sums of money belonging to the association as they may think fit, and satisfy all losses and damages which may happen by fire, to the property insured;

they may remove and suspend any of their officers and servants as occasion may require, and do and perform all other acts, matters and things needful to effect the objects herein specified; and all the stocks, securities and effects of the corporation, and all the property, stocks, bonds and mortgages of the several fire companies shall be pledged for the faithful performance of the acts of the association, and in case any loss or losses shall amount to more than the whole stock of the association, an assessment equal to the number of shares of stock held by each company or stockholder in said association, shall be made upon each company or stockholder belonging to the association to make good such losses, and in case of any partial loss every person wishing to withdraw his insurance, from the capital stock, shall pay the association a dividend thereon, proportioned to the amount of such partial loss.

How capital stock and funds shall be invested.

5. *And be it enacted*, That the property and funds in the hands of said trustees, together with the sums that shall hereafter accumulate from deposit money, premiums, interest, and other sources, shall be the capital stock of said association; and no distribution of the same shall take place, except in the payment of losses, until the moneys arising from premiums, for annual and other insurances, interest on loans, and other profits shall amount to the full sum of fifty thousand dollars, and then the whole interest on the capital stock, after paying expenses and satisfying losses, shall annually be divided among the several companies and stockholders composing the association, in proportion to the capital stock each company or stockholder may have; *provided*, that no company or stockholder shall be entitled to a dividend who shall not have been admitted a member of the association at least one year before declaring such dividend; and in case of the distribution of any of the funds of the said association, contrary to the provisions of this act, the trustees consenting thereto shall be liable in their individual capacities.

Proviso.

Number of trustees may be increased.

6. *And be it enacted*, That if said association desire at any time to increase the number of trustees, by admitting other than firemen, it shall be lawful for them to do so; *provided*, they do not in said increase exceed twenty-one trustees.

May alter and repeal by-laws

7. *And be it enacted*, That the said trustees appointed under the provisions of this act; shall have, with the consent of two-thirds of their number, power to make by-laws to

regulate the intercourse in time of fire between the different companies associated, and of imposing penalties or of expelling any company or delegate for non-observance of such by-laws, and also to make, with such consent, such other regulations as may be necessary to effect any of the objects herein specified, but no act of the trustees shall ever interfere with the local arrangements of a company, nor shall any of the provisions of this act be construed to affect any of the rules, by-laws, or ordinances of any kind, either of the companies, or of the ordinances of the city of Trenton regulating the fire department, nor be repugnant to the constitution or laws of the United States, or of this state, or of any of the provisions of this act.

Admission of other stockholders.

8. *And be it enacted*, That this association shall be fully empowered to make such regulations in regard to the admission into the same of such other fire companies in the city of Trenton, or individuals as stockholders, upon such terms as they shall think proper.

Amount of capital stock.

9. *And be it enacted*, That the capital stock of the association shall be fifty thousand dollars, with the privilege of increasing the same to two hundred thousand dollars; but that the said association shall not effect insurances until the full sum of twenty-five thousand dollars shall be paid in.

Rights and privileges.

10. *And be it enacted*, That each and every member of any of the companies belonging to the association, and the individual stockholders, shall be entitled to effect insurances at a discount of five per centum on the premiums less than other persons.

Public act.

11. *And be it enacted*, That this act shall be deemed to be, and is hereby declared a public act, and shall take effect immediately; and that the legislature may at any time hereafter amend, modify or repeal the same.

Approved March 30, 1869.

CHAPTER CCCXXXIII.

An Act to incorporate the Raritan Clay and Manufacturing Company.

Preamble. WHEREAS, Eleazer M. Couse, Wm. H. DeCamp, John H. Lyon, Jesse M. Sharp, Joseph O. McClaskey and Wm. Adair, have in behalf of themselves and their future associates, by their petition set forth, that they are in possession of a considerable tract of clay land, in Middlesex county, in the state of New Jersey, consisting of clay, sand, and other materials, and have full right, by virtue thereof, to manufacture or sell the clay, sand, and other materials as may be found on said land, and have requested the legislature to pass an act incorporating the said petitioners and their future associates for the purpose of enabling them to work the said materials for sale, and also to manufacture in such manner as they may think proper; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Eleazer M. Couse, Wm. H. DeCamp, John H. Lyon, Jesse M. Sharp, Joseph O. McClaskey and Wm. Adair, and such others as may hereafter be associated with them for the purposes aforesaid, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Raritan Clay and Manufacturing Company," and by Name. that name they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatever, and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure, and that they and their successors by the same name and style shall be capable of purchasing, holding and conveying lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of this incorporation.

Election of directors.

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

Failure to elect not to dissolve.

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

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, in shares of fifty dollars each, and the same may be increased upon the consent of the stockholders representing a majority of the stock to any amount not exceeding two hundred thousand dollars; and it shall be lawful for the president and directors of the said corporation to call for, and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such portion as they shall deem fit, under the pain of the forfeiture of their shares and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspaper published in the county in which the office is located.

5. *And be it enacted*, That a majority of the directors for the time being, shall form a board or quorum for the transaction of business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks and servants, for carrying on said business, and with such salaries and allowances as to them shall seem meet. Powers.

6. *And be it enacted*, That the stock of the said company shall be deemed and considered personal property, and be transferred in such manner as shall be prescribed by the by-laws of the said company, and that for all debts due and owing by the said company, the persons then comprising such company shall be individually responsible to the extent of their respective shares of stock in said company and no further. Stock transferable.

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

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

9. *And be it enacted*, That the contract entered into by Joseph O. McClaskey and William Adair, touching leases, and contracts for the purchase of any tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same as if made by themselves. Contract to be binding.

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

Approved March 30, 1869.

CHAPTER CCCXXXIV.

An Act to incorporate the Paqua Cranberry Company of Ocean county.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William L. Allison, Ross C. Browning, Sereno Edwards Todd, Hiram B. Willits and John W. Mevison, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Paqua Cranberry Company of Ocean county," for the purpose of buying, holding, cultivating and improving lands in Ocean county and for raising and selling cranberries and other fruits, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings, and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof; and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands as may be for the benefit of said lands.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the liberty to increase the same to one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors; and the said corporation may issue stock in payment therefor, and that the subscriptions for stock shall be opened in the village of Manchester, in Ocean county, at such time and place as the directors may designate, under their direction, or that of such person or persons as a majority of them may select.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the

powers of the board, and they shall hold their office for one year, and until others are elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held the persons named in the first section of this act shall be directors.

How dissolved

4. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the capital stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivors or survivor of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock, and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Proviso.

Stock transferable.

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

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

Approved March 30, 1869.

CHAPTER CCCXXXV.

An Act to confirm certain conveyances of lands and real estate, heretofore made by Margaret Dougherty.

Preamble. WHEREAS, one Margaret Dougherty, now or lately of the township of West Orange, in the county of Essex, being seized, in her own right, of certain lands and real estate in said township, and representing herself to be a widow and unmarried, hath sold and conveyed the said lands and real estate, in and by her several deeds of conveyance, under seal, and acknowledged as though she were a feme sole, unto several different purchasers, who have entered into the possession of the same; and whereas, a doubt hath recently been suggested as to the validity of such conveyances, because of the difficulty experienced in ascertaining, by any sufficient evidence, the fact of the decease of her husband, prior to the time of her making the said several conveyances; now, therefore,

Description of conveyances. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the certain deed of conveyance of lands and real estate made by the said Margaret Dougherty to Erastus E. Marcy and Clarissa Otis, dated April ninth, anno domini eighteen hundred and sixty, and recorded in Book D, eleven of Deeds, for said county of Essex, on pages thirty-four and thirty-five; also a certain other deed of conveyance made by the said Margaret Dougherty to Patrick Higgins, dated April eleventh, anno domini eighteen hundred and sixty-one, and recorded in Book L, eleven of Deeds, for said county, on pages five hundred and six and five hundred and seven; also a certain other deed of conveyance made by the said Margaret Dougherty to Edward Dougherty, dated July nineteenth, anno domini eighteen hundred and sixty-one, and recorded in Book M, eleven of Deeds for said county, on pages three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four and three hundred and ninety-five; also a certain other deed of conveyance made by the said Margaret Dougherty and the said Edward Dougherty to Douglas Robinson, dated April fifteenth, anno domini eighteen hundred

and sixty-four, and recorded in Book E, twelve of Deeds, for said county, on pages one hundred and eighteen, one hundred and nineteen and one hundred and twenty, and also a certain other deed of conveyance made by the said Margaret Dougherty and said Edward Dougherty to John Quinn, dated May sixteenth, anno domini eighteen hundred and sixty-four, and recorded in Book E, twelve of Deeds for said county, on pages five hundred and twenty-eight, five hundred and twenty-nine and five hundred and thirty; and each and every of said deeds of conveyance is and are hereby confirmed and is and are hereby declared to be valid and effectual in law to pass and convey unto the several grantees therein named, their heirs and assigns, all the right, title and interest of the said Margaret Dougherty of, in and to the several tracts or parcels of land and real estate therein described and intended to be conveyed, as fully to all intents and purposes, and with the same effect, as though she had been a feme sole and unmarried; *provided however*, that nothing herein contained shall be held or taken to impair or affect, in any way, any interest or estate which any husband of the said Margaret Dougherty may have had in or to any of the said lands and real estate at the times of her making the said several deeds of conveyance therefor as aforesaid.

Conveyances confirmed and made valid.

Proviso.

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

Approved March 30, 1869.

CHAPTER CCCXXXVI.

An Act to incorporate the Raritan Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter V. Staats, John Frech, Andrew J. Farrand, Theodore Frelinghuysen, David P Kinyon, George Y. Ford, Jeremiah Whitenack, Albert P. Cooper, John F. Edwards, John J. Bergen, Larue Vredenburg, John

Corporators.

V. Davis, Rynear H. Veghte, George W. Birdsall, John S. Haynes, Peter J. Schomp, J. Franklin Westcott, Richard Provost, William S. Opie, Jacob W. Stout, Abraham Quick, John Davis, Isaac Polhemus, Job C. Kinyon, Fredrick J. Frelinghuysen, Benjamin Ford, and their successors shall be, and are hereby constituted a body corporate and politic, by the name of "The Raritan Savings Bank," to be located in Raritan, Somerset county.

Name.

Election of managers.

2. *And be it enacted*, That the business of said corporation shall be conducted by not less than twelve, nor more than thirty managers, five of whom shall constitute a quorum, and the seat of any manager who shall have neglected to attend for six successive meetings may be vacated by the board, and when the seat of any member shall from any cause become vacant, the other members may fill such vacancy by the vote of two-thirds of their number, and the persons named in the first section of this act, shall constitute the first board of managers of the corporation, and the said board shall hereafter meet annually upon the third Tuesday of April, and choose from their number a president and vice-president, and appoint a secretary and treasurer, and such subordinate officers or agents as may to them appear to be necessary for conducting the business of the corporation, which officers so chosen and appointed shall continue in office for one year, and until others are chosen and appointed in their place, and shall be under oath for faithful performance of the duties of their respective offices.

May make by-laws.

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

Proviso.

May receive deposits.

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

accept and execute all such trusts of every kind as may be committed to them by any person or persons whosoever, by will or otherwise, or be transferred to them by order of any court.

Investment of moneys.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States or the several states of the Union, or by the several counties and cities in the different states under the laws thereof, nor upon bond and mortgage, except on uncencumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per cent. more than the amount loaned; but the amount thus loaned on personal security shall not, at any time, exceed twenty per centum of the whole amount of the assets and securities of said corporation.

Proviso.

May regulate rate of interest

6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to depositors so that they shall receive a just proportion of the profits upon the business of the said corporation after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed to other depositors; *and provided* also, that the said corporation shall not be required to allow interest upon any deposit until it amounted to one dollar, nor upon the fractional parts of one dollar, nor upon the fractional parts of a month, and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

President or managers shall not receive emolument.

7. *And be it enacted*, That no president, vice president, or manager of the said corporation, as such, shall be entitled to receive any emolument or conpensation for his services, and that no officer or manager shall directly or indirectly become the hirer or borrower, or surety for any hirer or borrower of the funds of the corporation; and also that the corporation shall not take nor hold the bond, mortgage, or other security for the payment of money which may be drawn or endorsed by or may exist against any officer or manager of the corporation.

Minors may make deposits and receive moneys.

8. *And be it enacted*, That it shall be lawful for the said corporation at their discretion, to pay any depositor, being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in case where no guardian shall have been appointed in his or her behalf, and that the receipt or acquittance of such minor, shall be as valid as though the same were executed by his or her guardian duly appointed; Proviso. *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Deposits made by females.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole or separate property of such female as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends or any part thereof upon her check, order, receipt or demand, without the concurrence of her husband, and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

May purchase and hold real estate.

10. *And be it enacted*, That the said corporation may purchase and hold in fee simple or otherwise, any real estate or personal property, and the said corporation may sell, lease or otherwise dispose of the said real estate or personal property, or any part thereof, at their will and pleasure; Proviso. *provided*, that no purchase or sale of real estate shall be made without the consent of a majority of all the managers.

Annual statement required

11. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds, to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of said corporation.

Misnomer not to vitiate any deed, &c.

12. *And be it enacted*, That this act shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation, in any deed, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same; Proviso. *provided*, the corporation shall be sufficiently described so as ascertain the intention of the parties.

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

Approved March 30, 1869.

CHAPTER CCCXXXVII.

A Supplement to "An Act to incorporate the Freehold and Smithville Turnpike Company," approved February twenty-sixth, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Freehold and Smithville Turnpike Company to demand and receive toll on their turnpike road for traveling all fractions of their turnpike road over one-half of a mile, not exceeding the following rates, to wit; for every carriage, sleigh or sled, drawn by one beast, one cent and a half; for every additional beast, one cent and a half; for every horse and rider, or led horse or mule, seven mills and a half; for every dozen of calves, sheep or hogs, one cent and a half; for every dozen of horses, mules or cattle, six cents. Rates of toll.

2. *And be it enacted*, That it shall be lawful for the said Freehold and Smithville Turnpike Company to demand and receive toll on their turnpike road for traveling each mile, and all fractions over one-half of a mile of their said turnpike road, not exceeding the following rates, to wit: for every carriage, sleigh or sled, drawn by one beast, one cent and a half; for every additional beast, one cent and a half; for every horse and rider, or led horse or mule, seven mills and a half; for every dozen of calves, sheep or hogs, one cent and a half; for every dozen of horses, mules or cattle, six cents. Rates of toll.

3. *And be it enacted*, That anything in the original act inconsistent with this supplement, be and the same is hereby repealed.

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

Approved March 30, 1869.

CHAPTER CCCXXXVIII.

An Act to amend an act entitled "An Act to incorporate the Bergen Point Gas Light Company," passed February seventeenth, one thousand eight hundred and sixty-four.

Preamble. WHEREAS, said company was incorporated for the purpose of supplying gas to the inhabitants of Bayonne township, in the county of Hudson; and, whereas, the incorporators named in said bill have not made any arrangements since the passage of said bill to introduce gas into the district, therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Hamilton, Erastus Randall, Henry C. Smith, Solon Humphreys, Rufus Story, Edmund C. Bramhall, Abram B. Warner, Henry Meigs, junior, Hiram Van Buskirk, Charles C. Hough, Michael Coogan, William B. Rankin, John H. Midmer, Michael C. Smith, and J. Otto Seymour be inserted in said bill as corporators thereof in lieu of the names originally in said bill.

Conditions extended. 2. *And be it enacted*, That the conditions of said bill shall be extended to the township of Greenville, county of Hudson, and that this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCXXXIX.

A Further Supplement to an act entitled "An Act to incorporate the New Jersey Turnpike Company."

Preamble. WHEREAS, by an act of the legislature of the state of New Jersey, passed the twenty-seventh day of February, anno domini eighteen hundred and six, certain persons therein named were authorized to construct a turnpike road from

the city of New Brunswick to Phillipsburg, opposite Easton, passing through the counties of Somerset, Hunterdon and Sussex (now Warren), certain parts of which road have been heretofore surrendered, under and in pursuance to certain supplements to the said act; and whereas, the president and directors of said company, in consequence of the increased expenses required to keep the bridge across the Raritan river at Boundbrook, in the county of Somerset, in repair, and the diminished receipts from tolls on their said road, by reason of certain railroads parallel therewith, are unable to maintain and repair said bridge without charging toll thereon, which tolls would be injurious to the interests of the trade and travel now using said bridge; and it having been represented to the legislature that the said company is willing to surrender that part of said road, hereinafter particularly described, to the inhabitants of the several townships of Bridgewater and Franklin, in the county of Somerset, through which the same passes, so as to enable the said inhabitants to have the entire control and management thereof; therefore,

Portion of road may be surrendered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said president and directors of the said company be and they are hereby authorized to yield up and surrender in writing, under the hand of the president and seal of said company, all that part of said road situate in the county of Somerset, beginning at the point in the said township of Bridgewater where said road is crossed by the Central Railroad of New Jersey, and ending at that point in the said township of Franklin where said road is crossed by the Delaware and Raritan canal and southerly line thereof, to the inhabitants of the several townships aforesaid.

Surrender to be filed.

2. *And be it enacted*, That upon filing the said surrender in the clerk's office of the county of Somerset to be recorded, the liability of said company to keep, amend and repair the said part of said road so surrendered, and the bridge or bridges over the same, shall cease and forever determine.

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

Approved March 30, 1869.

CHAPTER CCCXL.

An Act to improve the channel of the east branch of Rahway river, in the town of Orange and the townships of West Orange and South Orange, in the county of Essex.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron B. Baldwin, Philander Ball and John G. Vose, of the county of Essex, are hereby appointed commissioners to improve the channel of the east branch of Rahway river, between the following described limits namely; beginning at the north side of Joyce street on division line between the town of Orange and the township of West Orange and running thence to the head of A. L. Dunnell's mill pond, in the township of South Orange, in said county, in such manner as to straighten, widen, deepen, and clear out the same and thereby drain and benefit the lands adjacent or contiguous to the same.

Shall take oath.

2. *And be it enacted*, That such commissioners, and every of them, before entering upon the duties of their office, shall severally make oath or affirmation before a justice of the peace of said county, faithfully and impartially to execute their said office, according to the best of their skill and understanding.

Powers of commissioners.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall and may employ a competent surveyor and other agents and workmen as may be required; and that said commissioners, or said majority of them, and their said surveyor, agents and workmen, and every of them, shall be authorized and empowered to have full and free ingress and egress into, upon, and from any and all contiguous or adjacent lands, at any and all times, with teams, vehicles and implements, for any of the purposes contemplated by this act.

Further powers

4. *And be it enacted*, That the said commissioners, or said majority of them, shall, before the first day of January, next ensuing, survey, straighten, widen, excavate, deepen and clear out the channel of the said east branch of the said river, between the limits aforesaid in such manner and to such width and depth, as to them shall seem best adapted to

drain and benefit the said contiguous and adjacent lands; and to that end they are hereby authorized and empowered to take and appropriate therefor any part or parts of said contiguous lands as they may deem necessary; and also to place and deposit upon said contiguous or adjacent lands any earth or other material excavated under their direction, at such a distance from said channel as shall prevent its falling or washing back into the same; and also to take and use any earth, gravel, mud, sods or other material, in any of said contiguous or adjacent lands, for making embankments or any other purpose whatsoever.

Commissioners to make assessment of damages.

5. *And be it enacted*, That as soon as conveniently may be after the completion of such work, the said commissioners, or said majority of them shall assess the damages, which in their opinion, have been sustained by the owner or owners of any such lands so taken and appropriated therefor, and shall also ascertain the cost of said work, including the sum of two dollars for each day's actual service rendered by each commissioner, together with such moderate sum as they shall determine to be sufficient to cover all contingent and subsequent expenses, and shall proceed to assess the said damages and the said cost, taken together, fairly and equitably upon the owners of said contiguous or adjacent lands, in such proportions as said commissioners, or said majority of them, shall determine and adjudge said lands to have been benefited by the improvement; and shall then make an accurate map of that part of the said channel so improved, and and of the said contiguous lands so taken and appropriated, and of said contiguous or adjacent land so assessed, and shall also make a report in writing, of said assessments, referring to said map for a description of said lands, and shall cause the said map and report, together with the said oaths or affirmations by them made, to be filed in the office of the register of deeds and mortgages for the county of Essex, and that said register on the payment of three dollars therefor by said commissioners, shall record and index the same, in the records of deeds in his said office.

Notice to be given of time and place for making assessments.

6. *And be it enacted*, That the said commissioners, or said majority of them, shall give notice of the time and place of their meeting to make said assessments, by an advertisement to be published for at least two weeks in at least three of the newspapers printed in said county; and that in case of any adjournment of such meeting they shall make public procla-

mation thereof at the time of making such adjournment, and that they shall give every land owner who may consider himself or herself aggrieved by any assessment proposed to be made for or against him or her, for either benefits or damages, as the case may be, ample opportunity at such meeting or meetings to state his or her views with reference to such assessment, and that said assessment for benefits and damages when so made, and said report and map shall be taken and held to be final and conclusive upon all parties.

Proceedings for the collection of assessments.

7. *And be it enacted*, That each and every assessment for benefits, to be made as aforesaid, shall be a lien and incumbrance upon the said land or lands so assessed, until the same shall be fully paid and discharged, prior to any recognizance, mortgage, judgment, debt or obligation to which the said land or lands may become liable from and after the passage of this act; and that the said commissioners, or said majority of them may proceed to collect said assessment, with legal interest thereon and costs, by an action of debt in any court of competent jurisdiction, in which action it shall be lawful to declare generally and to give the special matter in evidence, or by selling the said land so assessed at public auction, after three month's previous notice in three newspapers of the county, for the lowest term of years, not exceeding twenty years, at which any person or persons will agree to take the same and pay the said assessment, with legal interest thereon from the date of said report and all costs of advertising, selling and conveying the same; and that in case of such sale the said commissioners or said majority of them shall thereupon make and execute, under their hands and seals, a deed or deeds of conveyance for said land or lands so assessed and sold, and shall deliver the same to said purchaser or purchasers; and that from and after such delivery of said deed or deeds, such purchaser or purchasers and his, her or their executors, administrators and assigns, by virtue thereof and of this act, shall and may lawfully enter upon, have, hold, use, occupy, possess and enjoy the said land or lands and the appurtenances thereto belonging until the term or terms for which he, she or they shall have bought the same shall have expired, and that then, he, she or they, may remove from said land or lands, all and any building or buildings which he, she or they may have placed thereon during said term, but that he, she or they shall leave the premises in as good order and condition as the same were in at the beginning of said term

or terms, natural wear thereof and damages by the elements only excepted; *provided however*, that if the owner or owners of said land or lands or any one having any legal or equitable interest therein, shall, within one year after such sale, pay or tender to the said purchaser or purchasers, his, her or their executors, administrators or assigns, the amount or amounts of such purchase money together with all taxes and assessments upon said land by him, her or them paid, and interest upon the same at the rate of one per centum per month from and after such payments respectively, then the said owner or owners, or said person or persons having any such legal or equitable interest, shall be entitled to re-enter upon and re-possess said land or lands in the same manner to all intents and purposes as though said sale had not been made. Proviso.

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

Approved March 30, 1869.

CHAPTER CCCXLI.

An Act to enable the owners of flowed lands on the Passaic River, in the counties of Essex and Morris, to remove obstructions from the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners or possessors of lands flowed by the Passaic river, in the counties of Morris and Essex, beginning one hundred yards above the bridge across the Passaic river, near the residence of Henry V. Doremus, in the township of Caldwell, in the county of Essex, and the turnpike bridge at Pine Brook, shall have power to appoint one commissioner, owner of flowed lands in said district, at a meeting held for that purpose at the hotel at Pine Brook, in the township of Caldwell, at one o'clock, p. m., on the first Saturday in April in the year eighteen hundred and sixty-nine, and at one o'clock, p. m., on the first Saturday in Owners of flowed lands may appoint a commissioner to lay a tax on such lands.

April in each year thereafter, whose duty it shall be, when so elected, to view the lands thus flowed by the Passaic river, and according to the best of his skill and judgment, to lay a tax upon such lands, not to exceed the sum of fifty cents per acre in any one year.

Duties of the commissioner.

2. *And be it enacted*, That when any such levy of tax shall have been made upon such lands, it shall be the duty of said commissioner to give the parties owning such lands thirty days' notice, by advertisement in four of the most public places in the vicinity where such lands are situated, after which time, in case such taxes so levied shall not have been paid to said commissioner, then said commissioner shall proceed to collect the same in the same manner as other local taxes are collected.

Commissioner may procure additional aid.

3. *And be it enacted*, That it shall be the duty of said commissioner to procure such aids as are necessary in his judgment, and remove all obstructions from the bed of said river as may be found therein, between a point one hundred yards above the bridge, at or near the residence of the said Henry V. Doremus and the turnpike bridge of Pine Brook.

Accurate account of expenses shall be kept.

4. *And be it enacted*, That it shall be the duty of said commissioner to keep a true and accurate account of all such expenses incurred in removing said obstructions from said river, which account shall be kept in a book kept for that purpose, and shall report the same at the annual meeting of the owners of said flowed lands, under oath or affirmation.

Compensation

5. *And be it enacted*, That the said commissioner shall be entitled to receive two dollars per day for all the time actually employed in carrying out the provisions of this act, which account shall be rendered at the annual meeting, under oath or affirmation.

May remove trees

6. *And be it enacted*, That the said commissioner shall have full power to remove all trees standing on the bank of said river, between the points above described, which may in his judgment tend to obstruct the free passage of the water.

Wood and timber to be removed or may be sold.

7. *And be it enacted*, That any wood or timber falling in said river between the points on said river heretofore expressed, to be removed by the owners of said wood or timber, within thirty days after such notice having been given them by the commissioner, and if such obstructions shall not be removed, the commissioner, in that case, shall remove the same, and said wood or timber be sold to meet the expenses of removal.

8. *And be it enacted*, That any person who shall cut any tree, trees or brush, on or in said Passaic river, between the point one hundred yards above the bridge, near the residence of Henry V. Doremus, in said township of Caldwell, and the turnpike bridge at Pine Brook, and not remove it or them, within five days after such cutting, shall be liable to pay a fine of ten dollars, to be sued for and collected, in an action of debt, by any person owners of said flowed lands in said district; the half of said fine to be paid to the commissioner, and the other half to the person complaining. Penalty for cutting trees or brush and not removing the same.

9. *And be it enacted*, That the said land owners and possessors at the time of the annual election of the said commissioner, yearly and every year, shall also elect in manner described in this act for the election of commissioner, three freeholders, residents in the counties of Essex and Morris, not interested in such lands, for commissioners of appeal, who shall meet at such time and place as the commissioner shall appoint to hear and determine all appeals that may be made to them by any land owner or possessor from any assessment that may be made against them under this act, and the said commissioners shall give notice in writing to each of the said owners and possessors residents in the counties aforesaid, of the amount of moneys so assessed against him or her as aforesaid, and also of the time and place of meeting of the said commissioners of appeal, at least ten days before the time so appointed; and if it shall appear to said commissioners, or any two of them, that any assessment so made against any of the said owners or possessors is excessive, it shall be the duty of said commissioners to reduce the same to such sum as to them may seem equitable and just, and the determination of said commissioners, or any two of them, made in writing, shall be final and conclusive; the reasonable costs and expenses of such appeal shall be taxed by said commissioners, or any two of them, and paid if the assessment be affirmed by the said owners or possessors, otherwise by the said commissioner, out of the funds raised by the assessment aforesaid in his hands. Board of commissioners of appeal, their powers.

10. *And be it enacted*, That the owners and possessors of the lands contemplated in this act at their annual meeting, shall, after the appointment of a president, secretary and tellers of said meeting, proceed to elect by ballot and by a plurality of the votes of the owners and possessors of said lands, or by their proxies, duly made in writing, the said Election of commissioner.

commissioner and commissioners of appeal allowing one vote for each acre of land owned or possessed.

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

Approved March 30, 1869.

CHAPTER CCCXLII.

Supplement to an act entitled "An Act to incorporate the Red Bank Gas Light Company," approved February eighteenth, eighteen hundred and sixty-two.

May issue bonds and secure the same by a mortgage

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of the Red Bank Gas Light Company, or a majority of them, after said corporation shall become organized, shall have power to borrow money from time to time for the purpose of purchasing property, acquiring machinery, and pipes and fixtures for the uses and objects of said corporation, and to secure the repayment of said moneys with interest, by executing bonds and mortgages or otherwise, on such real and personal property as the said corporation may own from time to time, at a rate of interest not exceeding ten per centum, and it shall not be lawful for said corporation to plead any statute or statutes of this state against usury in any suit in law or equity, respecting any of said bonds or mortgages as securities.

May lay pipes in roads and streets, &c.

2. *And be it enacted*, That the said corporation is hereby empowered to lay down their gas pipes and erect gas posts, burners and reflectors, in any place or places in the villages of Shrewsbury and Eatontown, in the county of Monmouth, in this state, at any place along the highways from the village of Red Bank to either of said villages, and do all things practicable to light any of said places or any of the dwellings or buildings in either of said villages or along the route of said highways or either of them; *provided*, the public be not thereby impeded.

Proviso.

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

Approved March 30, 1869.

CHAPTER CCCXLIII.

Supplement to an act entitled "An Act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chief engineer, assistant engineer, fire wardens and firemen, of the Morristown fire department, shall during their term of service be exempt from corporation tax, not exceeding however the sum of five dollars in each year, and from service as jurors, or in militia in time of peace; and all firemen who shall receive certificates under the corporate seal of said town, that they have served as firemen in the fire department in said town for the term of seven years, from or after the seventh day of August, eighteen hundred and sixty-seven, shall be exempt from further duty as firemen, and shall be, and remain thereafter, exempt from service as jurors, or in the militia in time of peace. Firemen exempt from tax, &c.

2. *And be it enacted*, That the corporation of Morristown be, and is hereby authorized to issue bonds to an amount not exceeding ten thousand dollars, in sums of not more than one thousand dollars, and not less than one hundred dollars each, to be signed by the mayor and countersigned by the town clerk, and sealed with the corporate seal of said town, and to have written or printed thereon the words, "Fire Bond," and one thousand dollars in amount of said bonds shall be made payable in each and every year from the date thereof, so that the whole amount of said bonds shall become due and payable in ten years from the date thereof, with interest at seven per centum per annum, payable semi-annually, and which bonds when issued shall not be sold for not less than Authority to issue bonds, and providing for their payment.

par, and the common council of Morristown shall have power to raise the money by tax to pay the principal and interest of the said fire bonds as the same mature, in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by said corporation.

Proceeds of bonds, how applied.

3. *And be it enacted*, That the proceeds of the sale of said bonds shall be appropriated and used by said common council for the establishment and maintenance of the fire department.

May hold real estate for the use of the fire department.

4. *And be it enacted*, That the common council shall have power to purchase and hold in their corporate capacity, sufficient and suitable real estate for the purposes of said fire department.

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

Approved March 30, 1869.

CHAPTER CCCXLIV.

A Further Supplement to the act entitled "An Act to Regulate Fees," approved April fifteenth, eighteen hundred and forty-six.

Per diem and mileage to constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the constables of the several counties of this state shall receive the sum of two dollars per day for every day engaged in attending the circuit court, court of oyer and terminer and general jail delivery, court of common pleas, and general quarter sessions of the peace, in their respective counties, and shall also receive five cents per mile for every mile travelled in going to and returning from the said courts.

Repealer.

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

Approved March 31, 1869.

CHAPTER CCCXLV.

Supplement to an act entitled "An Act to incorporate the Hoboken, Ridgefield and Paterson Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act to which this act is a supplement, be amended by striking out the following words contained in said section, viz: "*provided*, that the said road shall run south of the village of Hackensack, and not within the distance of two and one-half miles of the court house in said village, without the consent of the Hackensack and New York Railroad Company;" also, by striking out, in the same section, the words, "to and with other roads now or hereafter to be constructed." Act how amended.

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

Approved March 31, 1869.

CHAPTER CCCXLVI.

A Further Supplement to an act entitled "An Act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eighth, one thousand eight hundred and sixty-one, erecting the township of West Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "Supplement to an act entitled 'An Act to divide the township of North Bergen, in the county of Hudson,' passed February twenty-eighth, one thousand eight hundred and sixty one, erecting the township of West Hoboken," approved April first, one thousand eight hundred and sixty-eight, Amendments to original act.

be amended by erasing the word "four" in the sentence "for four weeks successively in a newspaper," and inserting the word "two;" and also by inserting the word "weekly" before the word "newspaper;" also after the words "by said land and real estate," by inserting the words "except the intersections, which shall be assessed in the adjoining streets, roads or avenues, to the extent of half the block on each side of said streets, and except the costs of land taken for opening streets, which shall be assessed upon all the lands benefited thereby, but such assessment shall not extend to lands or real estate situate more than five hundred feet on each end of said new street, or on each or either side of said new street along the intersecting streets, and also;" also by erasing the words "may be appointed by resolution of said township committee at any time after the completion of the work," and inserting the words "shall be appointed by resolution of said township committee as soon as possible after the letting of the contract for said work;" also the seventh section by erasing the words "and appointed by the township committee;" also the eighth section by erasing the words "twenty dollars, or imprisonment more than twenty days," and inserting the words "fifty dollars, or imprisonment more than thirty days;" also the twelfth section by erasing the words "in the same manner as is provided for in the first section of this act," and inserting the words "but such assessment shall not extend to lands or real estate situate more than five hundred feet on each end of said new street, or on each or either side of said new street along the intersecting streets;" also the eighth section after the words "for the sale of the same," insert the words "to restrain all dogs running at large and to authorize their destruction."

Assessments to be voted on

2. *And be it enacted*, That all moneys proposed to be raised by assessment upon the property of the township of West Hoboken for any township purpose whatever, shall, before being assessed, be voted upon and approved of by a majority of the voters of the township voting at the annual spring election.

Licenses to sell liquor.

3. *And be it enacted*, That the township committee shall have power to grant licenses to sell intoxicating liquors for a less term than one year at such reduction from the annual rate as they may deem proper; *provided*, that all licenses expire on the first day of May next ensuing in each year.

Proviso.

4. *And be it enacted*, That the township committee shall

have power to provide by ordinance for cleaning the snow and ice from the sidewalks of said township, and to provide for making the expenses for the same a lein upon the real estate adjacent to said sidewalks; *provided*, that the expenses of cleaning any such sidewalk shall not exceed the sum of fifty cents for each lot of twenty-five feet front. Cleaning ice and snow from sidewalks. Proviso.

5. *And be it enacted*, That the compensation of the treasurer of said township shall be one-half of one per centum upon all township money proper received and disbursed by him, and one per centum upon all money for street improvements collected by him. Compensation of treasurer.

6. *And be it enacted*, That the officers constituting the board of inspectors of elections in said township shall consist of three persons, and shall be elected in the manner following: each ballot for that purpose shall contain no more than two names, one of which names shall be the nominee for assessor and collector; in case more than two names are voted for the ballot shall only be void as to said inspectors, and the three persons who receive the highest number of votes shall be deemed and taken to be elected inspectors of election; in case two persons shall receive an equal number of votes, the first person named on the ballot for inspector of election shall be elected. Election of board of inspectors.

7. *And be it enacted*, That the trustees of the West Hoboken fire department shall, between the twentieth and twenty-fifth days of March in each year, render to the township committee a full, true and detailed statement of all the receipts and disbursements of said department for the fiscal year preceding such statement, by filing such statement with the clerk of the township. Trustees of fire department shall make annual statement of receipts, &c.

8. *And be it enacted*, That the several owners of real estate in said township shall have power and authority to make and otherwise improve the several streets and sidewalks opposite their respective lands and real estate in the manner as in the act entitled "Supplement to an act entitled 'An Act to divide the township of North Bergen, in the county of Hudson,' passed February twenty-eighth, one thousand eight hundred and sixty-one, erecting the township of West Hoboken," and approved April first, one thousand eight hundred and sixty-eight, is directed, at their own charges and expenses, they, however, at all times complying with and observing such uniform grade of streets and sidewalks, and such width of sidewalks as may from time to time be established by the Owners may improve streets and sidewalks.

township committee; and in case the said streets in said township, or any or either of them, or any part thereof, should not be so opened, graded and otherwise improved, either by the owners of the lands fronting on the same, or by the said township committee, in the manner in the said supplement above mentioned prescribed, within five years from the passage of this act, or said sidewalks should not be so graded and made as aforesaid within five years from the passage of this act, then and in either case the said township committee shall have power and authority, and they are hereby authorized to at once proceed to make, open and lay out any such street or streets, or any part thereof, not so made, opened or laid out as aforesaid, and to make and construct such sidewalks or any part thereof in the manner in said supplement prescribed; and it shall not be necessary in order to authorize said township committee to cause said work to be done, to present any petition from the owners of the property along the line of such improvements; and the costs and expenses of the same shall be assessed and collected in the manner provided for in the supplement.

Powers and duties of justices of the peace.

9. *And be it enacted*, That any justice of the peace of the township of West Hoboken shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said township, to issue a process, either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and, when in the nature of a summons, be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be

Proviso.

conducted as in cases now triable by jury in courts for trials of small cases; and, *provided, also*, that in all cases an appeal may be made to the township committee for the remission of any penalty that may be inflicted or adjudged; *provided further*, that no fine shall be imposed exceeding fifty dollars for each offence, and no term of imprisonment, as a penalty, shall exceed thirty days for each offence. Proviso. Proviso.

10. *And be it enacted*, That whenever the township committee of said township shall, by resolution, require any person or persons to be prosecuted for the breach of any of the ordinances of the said township, it shall be the duty of such justice of the peace of said township, who shall be required by the township committee, to issue process, as in other cases, against such person or persons, without any oath, affirmation or affidavit being made that such person or persons has or have been guilty of a violation of such ordinances; *provided*, that such resolution shall specify the name or names of such person or persons, and the ordinances which he or they has or have been guilty of violating. Duties of justices of the peace when township committee requires a person to be prosecuted.

11. *And be it enacted*, That upon the return of any writs issued by the said justice, if the same shall be in the nature of a warrant, and the said justice shall see fit to adjourn the hearing of the charge made, and so orders, then the said defendant or defendants named in the said warrant shall enter into recognizance, as near as may be in the manner directed in courts for the trial of small causes, in the amount of the penalty named in the process, with such surety as may be approved by the said justice, unto "the inhabitants of the township of West Hoboken, in the county of Hudson," for his appearing on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in courts for the trial of small causes. Proceedings in case of an adjourned hearing.

12. *And be it enacted*, That the sum of four thousand five hundred dollars shall or may be raised by tax upon the property of the said township the present year, at the same time and in the same manner as other taxes now are assessed and collected, for the purpose of purchasing two adjoining lots for the erection of public buildings; the surplus money remaining over and above the amount paid for the purchase of said lots, shall be paid over to the trustees of the fire department of said township, to be by them expended in providing Amount that may be raised by tax the present year, and how appropriated.

a suitable building or buildings for the protection of the fire apparatus of said township, on such part or parts of said lots as may be designated and assigned by the township committee for that purpose.

Amount that may be raised annually for support of fire department.

13. *And be it enacted*, That it shall and may be lawful to raise by tax annually, at the same time and in the same manner as other taxes now are assessed and collected in said township, such sum of money, not exceeding six hundred and fifty dollars, as shall be voted upon and approved of by a majority of the voters of said township voting at the annual spring election, which money when so collected shall be paid over by the collector of said township to the board of fire trustees of said township, to be by them expended for the proper and necessary support and maintenance of the fire department of said township.

Treasurer to give bond.

14. *And be it enacted*, That the treasurer of the board of fire trustees, shall, before entering upon the duties of his office enter into bond to the inhabitants of said township, in their corporate name, with two sufficient sureties being freeholders and residents in said township, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of treasurer.

Repealer.

15. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved March 31, 1869.

CHAPTER CCCLXVII.

An Act to legalize certain resolutions passed by the Board of Chosen Freeholders of the county of Passaic, and the Mayor and Aldermen of the City of Paterson, for the appropriation of money for the erection of a Soldiers' Monument.

Preamble. WHEREAS, the board of chosen freeholders of the county of Passaic, by resolution adopted May thirteenth, eighteen hundred and sixty-eight, did appropriate for the erection of a soldiers' monument, the sum of two thousand dollars, to be paid as the work should progress; and whereas, by another resolution of said board passed November twelfth, eighteen hundred and sixty-eight, the said board did appropriate for the same purpose the further sum of eight thousand dollars; and whereas, the mayor and aldermen of the city of Paterson, by resolution adopted by them on July twentieth, eighteen hundred and sixty-eight, did appropriate for the erection of a monument to the deceased soldiers and sailors of Passaic county who had fallen in the suppression of the rebellion, the sum of ten thousand dollars; and whereas, the association for the erection of said monument have procured land for the same, and have the said monument partly erected; and whereas, doubts have arisen as to the power of the said respective boards to make such appropriations; now, therefore,

County collector and city treasurer authorized to pay moneys. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the county collector of the county of Passaic, and for the treasurer of the city of Paterson, to pay to the Soldiers and Sailors' Monument Association of the county of Passaic, the said sums of money respectively mentioned and appropriated in and by the said respective resolutions; and the said respective boards may at any time hereafter raise the same by taxation, in the same manner as other moneys for city and county purposes are raised in said city and county; and the said collector and treasurer are hereby directed respectively, to pay the said sums of money accordingly; and the said respective board shall raise the same as aforesaid;

Proviso. *provided*, that the said board of chosen freeholders or the said mayor and aldermen shall not hereafter appropriate any moneys for like purposes without an act of the legislature authorizing the same, being first duly enacted and passed.

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

Approved March 31, 1869.

CHAPTER CCCXLVIII.

An Act to incorporate the Rahway Spring, Bolt and Machine Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Gatchell, Christopher D. Marsh, James Condon, and John Dugdale, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of "The Rahway Spring, Name and objects. Bolt and Machine Company, to be located at Rahway, New Jersey, for the purpose of manufacturing springs, bolts and machinery in said city of Rahway; and for that purpose may purchase all real estate, personal property, and patents that may be deemed necessary or advantageous for carrying on the business of said corporation.

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

Commissioners to open books of subscription. 3. *And be it enacted*, That the persons above named, or a majority of them, shall open books to receive subscriptions to the capital stock of such corporation, at such time and place within this state as they may deem proper, giving at least one week's notice thereof in some newspaper published in said state, and that as soon as one hundred thousand dollars of such stock is subscribed and paid, or otherwise satisfactorily secured to be paid, the said commissioners shall by

like notice call the first meeting of the stockholders for the purpose of organizing the company and electing directors, and all the powers of said commissioners shall cease upon the appointment of said directors.

Directors, how elected.

4. *And be it enacted*, That said directors shall consist of five persons, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, and three of whom shall reside in this state; such directors shall hold their office for one year, and until others are elected in their stead; and an election of directors shall be held yearly, at such time and place, and upon such notice as the by-laws shall direct; at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment, to be made by the remaining directors.

Payment of installments.

5. *And be it enacted*, That said directors shall have power, in behalf of said company, to receive any property, patent or patent rights suitable for the purpose of the company, at a valuation to be agreed upon, and in lieu of cash subscriptions, and shall have authority from time to time, to open the books for further subscriptions, until the whole capital stock is taken; and the directors may call on the subscribers for the payment of installments, in such sums, and at such times, and under such forfeiture as they may deem expediant.

6. *And be it enacted*, That the directors shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.

May make by-laws.

7. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities imposed in "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Restrictions and liabilities.

8. *And be it enacted*, That the transfer books of said corporation shall be kept in the office of said company in the city of Rahway, and shall be open to the inspection of the officers and the stockholders thereof at all reasonable times.

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

Approved March 31, 1869.

CHAPTER CCCXLIX.

A Supplement to an act entitled "An Act to incorporate the Barnegat Railroad Company," approved March twenty-second, eighteen hundred and sixty-six.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the act to which this is a supplement is hereby changed from the "Barnegat Railroad Company" to the "Manchester and Barnegat Bay Railway Company."

Location of road.

2. *And be it enacted*, That it shall be lawful for the said company to construct the railroad, authorized by the act to which this is a supplement, from some suitable point at or near either Toms River Village or Manchester, in Ocean county, with the privilege of connecting or consolidating at the termini with any railroad or roads now or hereafter to be built; and are hereby invested with and may exercise the same rights, powers, privileges and franchises for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions as are contained in the act to which this is a supplement.

May contract with other companies.

3. *And be it enacted*, That it shall be lawful for this company to contract with any other railway company or corporation for the running of the trains of this company over their own railroad or roads, or to let and lease the same to any other corporation or individuals to operate, and that the railroad or roads authorized by this act and the act to which this is a supplement, shall be and are hereby declared public highways, free for the passage of any railway car or carriage thereon with passengers and property; *provided*, that they shall not charge more than three cents per mile for every passenger, and six cents per ton per mile for property carried on said railroad in the cars or carriages of others, and four cents per mile for every empty car or carriage not the property of the company; *and provided*, that the trains or cars of any other corporation, company or individuals, passing over or on said railroad or roads, shall be subject to the

Proviso.

Proviso.

regulations of this company as to time and speed of running said trains or cars.

Time for commencement and completion.

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

May purchase and hold real estate.

5. *And be it enacted*, That it shall be lawful, and the said company shall have power to purchase with the capital stock of said company, (not exceeding in the aggregate half the amount of capital stock authorized by the act to which this is a supplement), real estate in the several townships through which said railroad shall pass, and have, hold and convey the same for the purpose of aiding in the construction and equipment of said road; and the said company shall pay all lawful township, county, state and other taxes, on such real estate held by said company under this act.

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

Approved March 31, 1869.

CHAPTER CCCL.

A Further Supplement to the act entitled "An Act to incorporate the Merchants' Mutual Fire and Marine Insurance Company," approved February eighteenth, eighteen hundred and fifty-eight.

May insure steam boilers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said corporation to insure upon such terms, conditions and restrictions as the directors of said company may deem expedient, against loss or damage by the collapsing or exploding of steam boilers, and all the provisions of the charter of said company, so far as the same may apply, shall extend to the class of insurance hereby authorized.

Repealer.

2. *And be it enacted*, That so much of the first section of the charter of said company as limits the yearly income from

real estate owned by said company, be and the same is hereby repealed; *provided however*, that said company shall pay city, county and state tax upon all real estate now owned or that may be hereafter acquired by them, said property to be valued as other real estate in the city of Newark.

Proviso.

Directors may be increased.

3. *And be it enacted*, That the number of the directors of said company may be increased to fifteen, and that the annual election of directors in the year eighteen hundred and seventy, and in every year thereafter, shall be held on the second Monday in January.

Charter to be perpetual.

4. *And be it enacted*, That the charter of said company shall be perpetual; *provided*, that it shall be lawful for the legislature at any time to amend, alter, modify or repeal the same.

Name.

5. *And be it enacted*, That on and after the passage of this act, the said company shall be known by the name of "The Merchants' Mutual Insurance Company."

Repealer.

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

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

Approved March 31, 1869.

CHAPTER CCCLI.

An Act to incorporate the Rahway and Westfield Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Bloodgood, Joseph Moffett, Abraham F. Shotwell, Stephen Jackson, John R. Ayres, John C. Rose, Robert A. Russell, Amos P. Scudder, Joseph Savage, Chansey B. Ripley, Abel V. Shotwell, H. Platner, Albert A. Drake, John M. Tufts, senior, William T. Peek, DeWitt C. Hough, David C. Stiles, Francis Labow, and their associates and successors, shall be and are hereby

constituted a body politic and corporate by the name of "The Rahway and Westfield Railroad Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate, shall have personal succession, and may also have a common seal and alter or renew the same at pleasure, and shall have, enjoy, and exercise the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners or a majority of them, and twenty days' notice shall be given by the said commissioners at such times and places in two of the newspapers printed in Union county, and at the time of subscription for said stock five dollars shall be paid upon each share subscribed for to the commissioners or some one of them, and that the residue of the subscription shall be paid in such installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, by giving thirty days' public notice thereof as 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 said installments, or any of them, to and for the use of the company. Commissioners to receive subscriptions to capital stock.

4. *And be it enacted*, That when the said capital stock shall be subscribed for and the books closed and the apportionment made, if the same be necessary, it shall be the duty of the aforesaid commissioners, or a majority of them, to give like notice as the above to choose seven directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, Election of directors.

either in person or by lawful proxy, each share entitling the holder thereof to one vote, and the said commissioners or any two of them shall be inspectors of the first election of directors of said corporation and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to said directors and the moneys paid to them for subscription to said capital stock as shall remain in their hands after defraying the expenses of subscription and incidental expenses; 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 time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid, and the first directors and yearly the directors chosen at any election for that purpose shall, as soon as may be after the election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors; and in case of the absence of the president the said board, or a majority of them, may appoint a president pro tempore.

Powers and duties of the directors.

5. *And be it enacted*, That five directors of said corporation shall form a board and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of said corporation by such installments, not exceeding five dollars on each share at any one time, and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents and servants as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper, and that they shall require from the treasurer such security as they deem sufficient for the performances of his trust, and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

May construct and make a railroad.

6. *And be it enacted*, That the said president and directors of the said corporation shall be and they are hereby

invested with all the rights and powers necessary to the survey, laying out, construction and repair of a railroad not exceeding one hundred feet in width, with as many sets of tracks as they may deem necessary; Beginning at the Central Railroad at Westfield near the depot; thence running an easterly course on the northerly side of what is called the old road from Rahway to Westfield, to a point at or near William E. Bloodgood's factory; thence running to some point on the New Jersey Railroad in the city of Rahway, and the said company and their agents and servants, and others in their employ, may enter upon, take possession of, and use and excavate, or level any land which may be wanted for the site of said road; but all lands and real estate thus entered upon which are not donations, shall be purchased by the said corporation of the owner or owners thereof, at the price to be mutually agreed upon between them; and in case of a disagreement as to price, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him by said corporation, or by the owner or owners of such lands or real estate, to appoint three disinterested commissioners from the county in which the lands lie, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; and it shall be the duty of the said commissioners after having taken oath or affirmation faithfully and impartially to discharge the trust imposed in them, to deliver to the said corporation a written statement signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making and maintaining the fencing, to be recorded by the said corporation, in the office of the clerk of the county where such lands are situated, and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee simple of all such lands or real estate, and in case of any owner or owners of such land and real estate so appraised,

Proceedings when company and owners of land cannot agree.

shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said corporation shall pay the amount which has been awarded, as due to the last mentioned owners respectively, into the court of chancery, to the clerk thereof, subject to the order of said court for the use of said owner or owners, all which proceedings shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the court; *provided always*, that should the owners of any real estate, land or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the lands lie, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises, shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be received than that awarded by the commissioners.

Proviso.

Rates of transportation, &c.

7. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed or to purchase with the funds of the corporation and to place on their said railroad all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said corporation charge more than six cents per ton per mile for the transportation of coal; and the said railroad with the appendages and the lands over which the same shall pass and all the works and improvements and all other property whatsoever belonging to the corporation, are hereby vested in the said corporation and their successors for and during the continuance of their charter.

Proviso.

Damages to contiguous lands, how determined.

8. *And be it enacted*, That the said corporation may build bridges, fix seals and receipts, raise embankments, or make any other works necessary for the construction, use or enjoyment of the said railroad, and may also enter upon said road and take possession of and use any materials necessary therefor; and if the corporation and the owner or owners of

such materials do not agree as to the price of the same, it shall be determined and settled in the manner heretofore provided for in the case of real estate or lands, and in case of any damage done the lands contiguous by woodmen or teams in the employ of said corporation, either in constructing, repairing or maintaining said railroads, the damages shall be determined in like manner by commissioners appointed as aforesaid.

Time for commencement and completion.

9. *And be it enacted*, That if the corporation hereby created shall not within five years from the first day of January next, commence the construction of said road, and within five years thereafter construct, finish, and put in operation the said railroad, then as to such parts not constructed this act shall cease and be null and void.

May borrow money and secure the same by mortgage.

10. *And be it enacted*, That the said company be and are hereby authorized to borrow such money, not exceeding two-thirds of the amount of the capital stock of said company as may be necessary for the construction of their road, and secure the repayment thereof by bonds or by mortgages on the property, privileges and franchises of the said company; and that any corporations created by any existing law of this state may subscribe to the capital stock of this company and hold the same as stockholders therein; and that it shall be lawful for the said company to form connections or junctions of their road with any railroad now constructed or hereafter to be constructed upon such terms and conditions as may be agreed upon by said companies.

Statement of costs and expenses to be made and filed

11. *And be it enacted*, That so soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter on the first Monday of January in each year, and such other taxes as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have

power for the purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the purposes and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Free passes. 12. *And be it enacted*, That the governor, chancellor, the justices of the supreme court and the judges of the court of errors of this state, while traveling for the purpose of discharging the duties of their office, and the members and officers of both houses of the legislature of this state, during their term of office, shall pass and repass on the railroad of said company in their cars free of charge.

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

Approved March 31, 1869.

CHAPTER CCCLII.

An Act to legalize certain acts of the Township Committee, the Trustees of the Centre School District, and of the Inhabitants of the township of Stow Creek, in the county of Cumberland.

Preamble. WHEREAS, the inhabitants of the township of Stow Creek, in the county of Cumberland, at their annual town meeting, held on the tenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight: "Resolved, that if the Jericho and Middle School Districts, now known as the Centre School District in said township, would build a house with the upper story fitted up for a township hall, for the purpose of holding township and other meetings,

that the township committee of said township be authorized to pay the trustees of said school district one-third of the expense of said building;" and whereas, the said inhabitants at their meeting aforesaid did further resolve that the assessor and collector be authorized to raise by taxation, or other money, a sufficient sum to carry into effect the above resolution; and whereas, in pursuance of said resolution the trustees of said school districts did erect such building in the manner and on the terms therein stipulated, and did raise by assessments within said districts an amount of money inadequate to meet the demands upon them for their share of said building; and whereas, also the said township committee, in accordance with their resolution aforesaid, did raise by assessment upon the inhabitants and taxable property of said township an amount which has proved insufficient to defray the costs and expenses of their share of said building; therefore,

Acts and proceedings legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the proceedings, acts and doings of the said town meeting, of the township committee of said township, and of the trustees of said school district in the matter, be and the same are hereby legalized, ratified and confirmed, and that the property of said township and of said school district, both real and personal, be bound for the payment of the money so voted as aforesaid, and that the amount of money still necessary to be raised for defraying the costs and expenses of erecting and constructing the said building, and of purchasing the land whereon it is situated, shall be raised by assessment upon the inhabitants and taxable property of said township and of said school district in proportionate shares, at such time and in such manner as other moneys are raised for township and school purposes.

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

Approved March 31, 1869.

CHAPTER CCCLIII.

An Act to incorporate the Morris County Brick, Tile and Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry W. Miller, Edward S. Hoffman, B. Warren Burnett, Mahlon M. Miller, Hudson Minton, and Augustus W. Cutler, and their associates, be and are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Morris County Brick, Tile and Manufacturing Company," for the purpose of manufacturing, selling and dealing in brick and tile of every description, and of carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part, in payment, for any real or personal property purchased or leased by said company for the purpose of their business aforesaid, and may commence business when twenty-five per centum of the capital stock is subscribed.

Name and object.

May hold real and personal estate.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, not to exceed at any time two-thirds of their capital stock, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than seven directors, who shall elect one of their number

president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, Henry W. Miller, Edward S. Hoffman, B. Warren Burnett, Mahlon M. Miller, Hudson Minton, Augustus W. Cutler, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy, by the appointment of any stockholder. First directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe. Not dissolved by failure to elect

5. *And be it enacted*, That the said corporation shall be and is hereby empowered to purchase, use, possess and enjoy and hold in fee simple or any less estate, and lands or real estate, and to mortgage, sell, lease convey or dispose of the same, or any part thereof, and to lay, cut, dig, keep and maintain drains, raceways, dams and sluices in and through their lands, and in and through contiguous and other lands, with the consent of the owners of said lands, and from time to time re-locate, deepen or change the same, and to take, draw and use the waters of any brook, stream or water-course running through or adjacent to the lands of said corporation, for the manufacturing of brick, tile and other purposes, and carry and convey the said waters by and through such raceways for the purposes aforesaid; and if the said drains, raceways, dams or sluices shall go through or be constructed upon any lands not owned by said corporation, or if, for any reason, no agreement can be made for the use or purchase thereof, General powers.

then the said company may proceed to acquire the same in the manner provided in the sixth and seventh sections of the act entitled "An Act to incorporate the Pequannock Peat and Manufacturing Company," approved February twenty-sixth, eighteen hundred and sixty-seven; and the appeal authorized in the proviso to the said seventh section may be had and made by either party; and the said corporation may also purchase, lease, use and dispose of such machinery, patents and personal property, and do such other acts and things, and make and construct such buildings, erections and improvements as a successful prosecution of the business of the company may require.

Annual report to be made.

6. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

7. *And be it enacted*, That the principal office of the said company shall be in the county of Morris, and that regular books of account shall be kept in the said office; to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stock-

Proviso.

holders of the same, specially called for that purpose; *provided*, that at least nine-tenths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

Restrictions and liabilities.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eigh-

teen hundred and forty-six, so far as the same may be applicable.

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

Approved March 31, 1869.

CHAPTER CCCXLIV.

A Supplement to the act entitled "A Supplement to the act entitled 'An Act to incorporate the Chester Railroad Company,'" approved April second, eighteen hundred and sixty-seven, approved March ninth, eighteen hundred and sixty-eight.

WHEREAS, in the first section of the supplement above mentioned the word "twelfth" by mistake, was written where the word "twentieth" was intended to have been used; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "twelfth" in the first section of the supplement above named shall be taken to have been a mistake and shall be expunged and in place thereof the word "twentieth" shall be inserted, and the said first section shall be read, taken and construed as if the word "twentieth" had been originally inserted in place of the word "twelfth." Amendment

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

Approved March 31, 1869.

CHAPTER CCCLV.

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

Treasurer may make transfers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the treasurer of the city of Hoboken, by authority of the council of said city, to transfer to any person or persons who will pay the amount due thereon, any unredeemed and uncancelled declaration of sale heretofore issued to said treasurer or that may hereafter be issued to him for any lands, tenements or real estate, lawfully purchased by said treasurer for the benefit of said city, at any sale for unpaid taxes, assessments, water rents or other charges for which the corporation of said city are or may be authorized to sell such lands, tenements or real estate.

Certificate of transfer, how executed.

2. *And be it enacted*, That a certificate of such transfer, signed by said treasurer, endorsed upon or annexed to such declaration of sale and attested by the city clerk under his hand, shall, together with such declaration of sale, be delivered to the transferee at the time of such transfer, and, thereupon, the person or persons to whom such transfer and delivery are made shall in all respects be entitled to the same rights, powers and privileges, under said declaration of sale, as if the same had been originally lawfully issued to any person other than the treasurer of said city, and by such person duly and legally assigned and set over to such transferee; and such certificate of said treasurer, attested as above stated, shall operate as and be an assignment and conveyance of the said declaration of sale, and the rights and interests thereby conveyed to said treasurer as fully and to the same extent as if said declaration of sale had been originally issued to any other person, having power to assign and convey his own interest therein, and had thereupon been assigned and conveyed to said transferee.

Certificate of transfer to be recorded.

3. *And be it enacted*, That it shall be the duty of the city clerk, at the time of attesting said certificate, to record the same or an abstract thereof in the margin of the record of the

declaration of sale by said certificate transferred or assigned, and the said attestation and record of said certificate by the city clerk shall be deemed and taken as conclusive evidence of the consent and authority of the council to such tranfer being made.

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

Approved March 31, 1869.

CHAPTER CCCLVI.

A Supplement to the act entitled "An Act to incorporate the Citizens' Gas Light Company of the City of Newark," approved March eighteenth, eighteen hundred and sixty-eight.

Preamble. WHEREAS, by an act of the legislature of this state entitled "An Act to incorporate the East Newark Gas Light Company," approved March twenty-eighth, eighteen hundred and sixty-two, the said company is among other things authorized to make and sell gas for the purpose of lighting the streets, buildings and other places in the township of Harrison, in the county of Hudson, and to enter into and execute contracts and agreements in relation to all matters connected therewith, and to do all things necessary for the lighting with gas, of the streets, buildings and other places in the said township of Harrison; and whereas, owing to the sparseness of the population and the large territorial area of said township, the said East Newark Gas Light Company may find it to their interest and may desire to purchase from the Citizens' Gas Light Company, of Newark, and receive from their pipes gas manufactured by them for the purpose aforesaid; now, therefore, in order to enable the Citizens' Gas Light Company, of Newark, to make such arrangement and to provide the means for the increase of the capacity of their works and the extensive improvements which will be thereby rendered necessary,

May supply the East Newark Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Citizens' Gas Light Company of Newark is hereby invested with full power to manufacture, sell and deliver, by pipes to be laid across the bed of the Passaic river, to the East Newark Gas Light Company the whole or any part of the gas needed by the said last mentioned company for this purpose, and the said companies are hereby authorized and empowered to enter into contract with each other for said purpose and the same to change from time to time as may mutually be agreed upon, and the Citizens' Gas Light Company of Newark are hereby authorized to increase their capital stock, over and above the amount authorized by the act to which this is a supplement, the further sum of five hundred thousand dollars, which increase shall be issued or subscribed and paid in at such time or times and in such manner as the directors of said company may from time to time direct; *provided*, that no power is granted by this act for either of said companies, by pipes or otherwise, to obstruct the navigation of the Passaic river.

Proviso.

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

Approved March 31, 1869.

CHAPTER CCCLVII.

A Supplement to an act entitled "An Act to incorporate the Hackensack Improvement Commission," approved April first, eighteen hundred and sixty-eight.

Power of commission to make ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Hackensack Improvement Commission to pass all ordinances for regulating, grading, paving, flagging, graveling, improving, cleaning and repairing the streets and sidewalks therein; for regulating the planting and protecting of shade trees; for preventing the defacing and injuring of trees, buildings, fences, lamp-posts, horse-posts, and all other struc-

tures; for compelling the owners of lots to grade, curb and pave the sidewalks in front thereof, also compelling the owners or occupants to keep their pavements and gutters free from snow, ice, and other obstructions; for preventing persons from riding, driving, or passing over and above the same with horses. wagons, carts or carriages; for preventing and removing all encroachments in and upon the streets and sidewalks; for preventing the deposit of garbage and other offensive substances in the streets; for causing common sewers or drains to be made; and enforce the observance of all such laws and ordinances by penalties for the violation thereof, either by imprisonment (upon conviction before a justice of the peace) in the county jail not exceeding twenty days, or by fine not exceeding fifty dollars, recoverable, with costs, in the name of said commission, before any justice of the peace, in the county of Bergen, for the use of said commission in the manner directed in the act to which this is a supplement.

Power to locate a main outlet sewer.

2. *And be it enacted*, That it shall be lawful for the said commission, to locate a main outlet sewer, from the Hackensack river through Bridge street and Bergen street to State street, and said commission are authorized to build such sewer when they think the same necessary, and assess the cost of the same, as they may deem just and fair, upon the lands which will, in their judgment, be benefited thereby, in proportion to the benefits; and said commissioners are hereby empowered to borrow such sum or sums of money as they may deem requisite and necessary for the purpose of constructing said outlet sewer, and provide for the payment of the same, and the interest by assessment to be made of not less than twenty per centum of such cost, in each year after the building of the same, to be appropriated towards the payment of said loan.

Who may vote

3. *And be it enacted*, That every person of full age and sound mind, resident or non-resident, and owning real estate within the limits of said commission to the value of one hundred dollars, shall be entitled to vote at any election authorized by the act to which this is a supplement; *provided*, that when the real estate is held by a married woman, her husband only shall be entitled to vote.

Proviso.

Cost of laying out sewer, how assessed.

4. *And be it enacted*, That the commission, in laying out any sewer or sewers provided for in the act to which this is a supplement, in assessing the cost of the same, shall be, and

are required to assess such cost upon all the lands benefited thereby, in proportion to the benefits which, in their judgment, said lands will receive by reason of laying and constructing the same; *provided*, that if any person or persons think himself, herself or themselves aggrieved by such assessment, he, she or they may have the right of appeal to the courts of the county of Bergen.

Proviso.

Boundaries.

5. *And be it enacted*, That the north line of the said commission shall be the northerly line of the property of Margaret Westervelt, extended in a straight line to the Hackensack river on the east, and Cole's mill brook on the west, and the westerly boundary shall be the said brook, to the Paterson turnpike, and the southerly boundary thereof west of the Hackensack and New York railroad, shall be the northerly line of the Homestead farm of John H. Ackerman extended to said railroad.

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

Approved March 31, 1869.

CHAPTER CCCLVIII.

An Act for the better collection of Taxes in the townships of Hamilton and Buena Vista, and the town of Hammonton, in the county of Atlantic.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, eighteen hundred and sixty-eight, be and the same are hereby extended to the townships of Hamilton and Buena Vista, and the town of Hammonton, in the county of Atlantic," except that the period for the redemption of lands sold shall be one year instead of six months as provided in the aforesaid act.

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

Approved March 31, 1869.

CHAPTER CCCLIX.

An Act constituting a public road board for the laying out, constructing, appropriating, improving, maintaining public carriage roads in the county of Essex.

Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron B. Baldwin, George Peters, William H. Murphy, Jesse Williams and Robert M. Henning, and their successors to be appointed and elected as hereinafter provided, be and they are hereby constituted a board of commissioners, to be and known and designated as "The Essex Public Road Board," for the purpose of laying out, constructing, appropriating, improving and maintaining free carriage roads in the county of Essex; that the acts of a majority of said commissioners shall be deemed the acts of the board, and that each of said commissioners and their successors shall, before entering upon the duties of his office, take and file in the office of the county clerk of said county, an oath or affirmation to act faithfully and impartially in the execution of the trust reposed in him by this act, and each shall give bond to the county collector of said county, in the sum of ten thousand dollars, with three sufficient sureties to be approved by the finance committee of the board of chosen freeholders of said county, conditioned for the faithful performance of his duties under this act, which bond, in case of forfeiture, shall be prosecuted by said county collector for the use of said county.

Name and object.

Power to survey, lay out and construct roads.

2. *And be it enacted*, That the said board, subject to the restrictions hereinafter mentioned, are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out, locate, construct, reconstruct and maintain such carriage roads in the county of Essex as to them may

seem proper for the convenience of public travel by carriages and other vehicles in said county; which roads shall be deemed and taken to be public roads or highways, and shall be of such width, not exceeding one hundred feet, as to said board may seem advisable; and, also, to appropriate and take into their charge any or all of the existing public roads or highways, or any part or parts thereof, in said county, and to widen, straighten, construct, re-construct, or otherwise improve and maintain the same; *provided, however*, that nothing herein contained shall be construed in any way so as to affect or impair the right of any city or town corporate, in the said county, to survey, locate, lay out, widen, straighten, construct, reconstruct and maintain the streets and highways within the limits of said city or town, in accordance with the provisions of its own charter.

Proviso.

May enter upon lands.

3. *And be it enacted*, That the said board, their agents, engineers, surveyors and others in their employ, shall have full power to enter at all times upon lands for any of the purposes contemplated by this act.

Lands may be taken when necessary.

4. *And be it enacted*, That any lands and real estate deemed necessary by the said board for the laying out, construction, widening, straightening, or other improvement of any road, may be taken therefor and damages shall be allowed and benefits assessed by the said board to and against the persons owning the lands so taken and benefited, respectively, as hereinafter provided.

Office of the board shall be in Newark.

5. *And be it enacted*, That the said board shall have an office, in some convenient place, in the city of Newark, for the transaction of their business, and for the reception and safe custody of their books, maps and other documents, which office shall be kept open on all ordinary business days, between the hours of ten and three o'clock, and which books, maps and other documents shall, between the hours above named, be always open to the examination of parties claiming to be interested therein.

Proceedings when new road is to be constructed or alterations to be made.

6. *And be it enacted*, That whenever the board shall propose to lay out, locate and construct any new road, or to widen, reconstruct, or straighten any road that may be in charge of any township, or any part or parts thereof, they shall, in the first place, make, or cause to be made, an accurate survey, with a map thereof, showing the termini and routes, including the courses and distances, and the various improvements through which the same will pass, and also the

names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained; and shall thereupon submit such map and survey to the director of the board of chosen freeholders of said county, to be by him laid before the said board of chosen freeholders immediately, for their ratification; and if they by resolution, shall ratify the same, they shall return said map and survey with a certified copy of such resolution, to the said road board, who shall thereupon, at their discretion, appoint a day or days when, between certain hours, the said map will be open to public inspection, either at their said office, or at some place in the vicinity of the said road; that the board shall give previous notice of such appointment by an advertisement published for at least twenty days in two daily newspapers printed in said county; that in such advertisement only such short description of said proposed road, or such widening and straightening of an existing road, shall be required as shall be sufficient to identify the same; that no notice to land owners or other parties interested shall be necessary other than that contained in said advertisement; that the board may adjourn and continue such public inspection of said map from time to time, as they may appoint and publicly declare at any meeting; and they shall attend such meeting or meetings, and shall examine and inquire into any complaint or objection presented by any land owner or tax payer, for the purpose of ascertaining and determining whether such new road, or such widening, reconstructing or straightening of an existing road, be required, and if so required, as to the best manner of laying out, locating, widening or straightening the same; that the board, after such full inquiry, shall, in their discretion, have power to lay out, locate, construct, widen or straighten said road or any part or parts thereof with or without alteration of the original survey, as to them may seem fit; and that such determination of the board shall be, by a resolution, entered upon the minutes of their proceedings, setting forth the courses and distances of said road, or said part or parts thereof, in words at full length; *provided, however*, that in case of any alteration of the original survey, a new and corrected map shall be prepared in the manner aforesaid, and shall, after being signed by the board, be deposited in their said office; and also, that a duplicate of such original or corrected map, as the case may be, shall, within

Proviso.

thirty days after such determination of the board, be filed by them in the office of the register of the said county.

Proceedings for the assessment of damages.

7. *And be it enacted*, That it shall be the duty of the court of common pleas in and for said county, upon the application of said board, from time to time, and after ten days' notice of such application by an advertisement in two daily newspapers of said county, to appoint five disinterested freeholders, residing in as many different townships of said county, who shall, after having severally taken and subscribed before said judge an oath or affirmation to act fairly and impartially in the matter entrusted to them, according to the best of their skill and judgment, be empowered to make a fair, just and impartial assessment of the damages sustained by the owner or owners of any lands and real estate which may be taken for the laying out, constructing, widening, straightening or otherwise improving of any such road, or any part or parts thereof, and to assess the said damages, as equitably as may be, upon the owner or owners of any lands and real estate in the township, either upon the line or in the vicinity of said road, which, in the opinion of the said five freeholders, or a majority of them, is or are benefited by such laying out, constructing, widening, straightening or otherwise improving of said road, or said part or parts thereof.

Further proceedings relative to assessments.

8. *And be it enacted*, That the said five freeholders so appointed, or a majority of them, shall give at least twenty days' notice, in two daily newspapers of the said county, of the time and place of their meeting to make such assessments of damages and benefits, and that no other notice to parties interested shall be required; and that when so met, the said freeholders, or a majority of them, shall view the premises, and shall have power to examine witnesses upon oath or affirmation (to be administered by any one of their own number), and to adjourn from time to time; and that, after a full investigation, they, or the said majority of them, shall make such assessments separately, and in favor of or against the said owner or owners of said lands and real estate, as the case may be, and shall make a report thereof, in writing, to the said board, without unnecessary delay; and that after the like notice of the time, place and purpose of the meeting, (no other or further notice being required,) the said board shall review and consider the said assessment and every one of them, and shall and may by the resolution and by vote of a majority of their whole number, adjust, ratify

and confirm the same, with or without alteration, as to them may seem fit, and shall then cause the same to be recorded in the minutes of their proceedings; and that at said meeting of said board, it shall be their duty to receive and consider any objections to said assessments, or any of them, that may be presented in writing by any person or persons claiming to be aggrieved thereby; and that in assessing said damages, the said freeholders and the said board shall have due regard, both to the value of said lands and real estate so taken, and the injury to the said owner or owners thereof, without making any deduction or allowance for benefits because or by reason of the laying out, constructing, reconstructing, widening, straightening or other improvements of said road, or said part or parts thereof.

Duty of the freeholders on reviewing the assessments.

9. *And be it enacted*, That the cost of surveying, locating, laying out, constructing or reconstructing any new road, or of widening, straightening, constructing, reconstructing or otherwise improving any existing public road, or any part or parts thereof in said county, shall be assessed upon and shall be borne and paid by the owner or owners of any lands and real estate in the township upon the line, or in the vicinity thereof, which in the opinion of five disinterested freeholders, to be appointed for the purpose, or in the opinion of a majority of them, is or are benefited thereby; and that, as soon as it may be conveniently done after such cost shall have been ascertained, the said five freeholders shall be appointed by the said inferior court of common pleas in and for said county, in the same manner and after the like notice prescribed in and by the seventh section of this act; and that said five freeholders, or the said majority of them, shall make such assessment and such report thereof, and the said board shall review and consider the same, and shall and may adopt, ratify and confirm the same with or without alteration, as to them, may seem fit, as nearly as possible in the manner prescribed in and by the eighth section of this act for making the assessments of damages and benefits.

Map to be

10. *And be it enacted*, That when any such assessments shall be so adopted, ratified and confirmed, the said board shall cause to be prepared, and shall carefully file in their office, a map, showing all the lands and real estate upon or by reason of which the said assessment hath been made, with the boundary lines of the several parcels, and the names of the several owners thereof, as far as the said board have been

Proviso.

able to ascertain the same; *provided, however*, that none of the proceedings to be had under this act shall be held to be invalid because of any unintentional defect or error in the said map, or any part thereof.

Damages for alteration of grade, how ascertained.

11. *And be it enacted*, That if in widening, straightening, constructing, reconstructing, or otherwise improving and maintaining any existing public road, or any part or parts thereof in said county, any alteration of the grade of said road shall be made, the damages which may have been occasioned thereby, to the owner or owners of any lands and real estate upon the line of said road, shall be ascertained and assessed by five freeholders, or a majority of them, in the same way as damages for lands and real estate taken in the laying out of a new road; and that such damages for the alteration of the grade shall be added to, and form a part of the cost aforesaid, and be assessed, and borne and paid in the same manner.

Proceedings when owner is dissatisfied.

12. *And be it enacted*, That if any such owner or owners of any such lands and real estate, shall be dissatisfied with any such assessment, whether for damages or benefits, assessed to or against him, her or them, such owner or owners, at any time within thirty days after such assessment shall be so adopted, ratified and confirmed by the said board, may appeal therefrom, by filing a written appeal with one of the justices of the supreme court of this state; and the said justice, upon being satisfied, by due proof, that at least ten days' notice has been given in writing to said board of the time and place of making such appeal, shall proceed to appoint three disinterested persons, being freeholders and residents of said county, to review the said assessment, and increase, lessen or confirm the same, as to them shall seem fit and just; that they shall severally take and subscribe an oath or affirmation before the said justice, to act fairly and impartially in the matter, entrusted to them, according to the best of their skill and understanding, and shall cause at least ten days' notice in writing of the time and place of their first meeting to be given to said board; and they shall have power to adjourn from time to time, and to examine witnesses upon oath or affirmation, (which oath or affirmation they, or either one of them, is or are hereby authorized to administer); and their report, or the report of either two of them, under their hands, and filed by them in the office of the clerk of the

inferior court of common pleas in and for said county, shall be final and conclusive upon all parties.

Proceedings for the collection of damages and interest.

13. *And be it enacted*, That the said damages for lands and real estate taken, or for the alteration of the grade of any road, when so assessed, shall become due and payable to the several owner or owners of said lands and real estate so taken or damaged, at the expiration of six months from the time when said assessment shall have been adopted, ratified and confirmed by the said board; and that interest shall become due and payable thereon from and after the expiration of the said six months, unless the said board shall sooner enter upon and take possession of the said lands and real estate, in which case interest shall accrue from and after the date of such entry and taking possession; and that in the event of said damages and interest not being paid on demand, after the expiration of the said six months, the said owner or owners may sue for and recover the same, with costs, from the said board, in an action on the case, in any court having cognizance thereof; and that the proceedings of said freeholders and said board shall be held and taken in said action, as conclusive against the defendants therein.

Road not to be widened or straightened until tender of payment is made.

Proviso.

14. *And be it enacted*, That no such new road shall be constructed, nor any existing road, or any part or parts thereof, be widened or straightened, until the amount of the said damages, as so assessed to such owner or owners, shall be paid or tendered to him, her or them respectively; *provided, however*, that no tender shall be necessary when any such owner cannot be found by the board to be a resident of said county, nor where the benefits assessed against him or her shall be equal to or exceed the damages assessed in his or her favor, nor where the said owner shall be either a minor, idiot, or lunatic, without having a legally appointed guardian or guardians resident in said county.

Assessments a lien on real estate.

15. *And be it enacted*, That any [and] all assessments which may be made under and by virtue of this act, (except, only, assessments of damages for lands and real estate taken, and for the alteration of the grade of any road,) shall be and remain liens upon the lands and real estate benefitted as aforesaid, from and after the time or times when the said assessments were so adopted, ratified and confirmed by the said board, until the same shall be fully paid or collected; and that every assessment made as aforesaid, shall be payable and collectable in four equal annual installments, in one, two,

three and four years respectively, from the date of such assessment, unless the person or persons assessed shall elect to pay the same sooner and in one payment, in which case he or they shall be at liberty so to do, and shall be allowed a proper rebate of interest thereon; that if any installment of such assessment shall remain unpaid, in whole or in part, for six months after the same shall become due and payable, the whole or any balance of such assessment, notwithstanding anything hereinbefore contained, shall thereupon become due and collectable, and may be sued for and collected by said board in their corporate name, in an action on the case, against the owner or owners of such lands and real estate respectively, in any court having cognizance of the amount sued for, or the said board may proceed to advertise said land and real estate upon which said assessment may be a lien, to be sold at public auction, at the court house of said county, on some day not less than two months distant, between two and five o'clock in the afternoon; that such advertisement shall be published for the space of time aforesaid next preceding the sale, in at least three newspapers of said county at least once in each week; that said advertisement shall be the only notice required, and shall contain the names of the landowners in default, if the same be known, together with the amounts due by them respectively, and a short description of their said land and real estate, so assessed as aforesaid; that at the time of said sale, the several parcels of said land and real estate shall be openly sold to the person or persons who will take the same for the shortest period of time, not exceeding fifty years, from the day of sale, and shall pay to the board, before the close of the sale, the full amount due upon said unpaid assessment, with interest thereon from the time of the same being made, at the rate of seven per centum per annum, and also such sum as the board shall determine to be a fair proportion of the expenses of advertising and conducting the sale; that in the event of any purchaser neglecting to make such payment as aforesaid, he shall forfeit all claim to said land and real estate, and the same shall be resold by the board, at their convenience, upon such advertisement as aforesaid; that the board may adjourn the sale from time to time, by making public proclamation thereof at the time of such adjournment; that, as soon as practicable, after the close of the sale, the board shall make and deliver to any purchaser thereat, who shall have made such payment as aforesaid, a certificate of

Proceedings in case of sale of lands for assessments.

Certificate of sale to be made to purchaser.

sale under their hands and seals, and duly acknowledged according to law, setting forth, as concisely as may be, the facts of said assessment, advertisement and sale, together with a description of the lands and real estate so sold, the amount actually paid therefor by said purchaser, and the length of time for which he shall have so purchased the same; that said certificate shall, before its delivery, be recorded in one of the books to be kept by the board for such purpose; that said certificate may be assigned, by deed of assignment, under seal, duly acknowledged as aforesaid, and that such assignment may be recorded in the books of said board, upon the payment of a fee of one dollar therefor; that if, at the end of three years from the day of sale, said land and real estate shall not have been redeemed by said owner or owners, his, her or their legal representatives, or any mortgagee or mortgagees thereof, or any judgment creditor or creditors, or any other person or persons having a legal or equitable interest therein, by the payment to the said board for the benefit of said purchaser, his heirs or assigns, of the amount originally paid by said purchaser, and any other tax or assessment which he may have paid, and of which he may have given written notice to said board, together with interest on such payments at the rate of fifteen per centum per annum, the board shall, upon the surrender of said certificate, execute and deliver to said purchaser, his legal representatives or assigns, a declaration of sale, under their hands and seals, and duly acknowledged as aforesaid, briefly stating the facts of said assessment, advertisement and sale, together with a description of said land and real estate, and a statement of the time for which the same has been so sold; that said declaration of sale shall be recorded in the books of said board, and also in the records of deeds in the office of the register of said county, upon the payment of a fee of one dollar in each case; that until the recording of such declaration, the time for redeeming said land and real estate as aforesaid, shall remain open, notwithstanding the said term of three years may have expired; that such declaration shall be presumptive evidence in all courts and elsewhere, that such sale and proceedings were regularly made and had, according to the provisions of this act; and such purchaser or purchasers, and his, her or their legal representative, shall by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own

proper use, against the owner or owners thereof, and all persons claiming under him her or them, until the term shall be completed and ended for which the purchaser or purchasers shall have agreed to take the same as aforesaid, and no longer; being liable for any injury or waste done or committed, in the same manner as a tenant for a term of years; that no mortgagee whose mortgage shall have been recorded or registered before any such sale, shall be divested of his rights in and to said land and real estate, unless six months' notice of such sale shall be given to him, in writing, by such purchaser or any person or persons claiming under him, which notice shall be served personally, if said mortgagee be a resident of the said county, and if not, shall be addressed to his place of residence as stated in said mortgage or assignment thereof; that if any such land and real estate shall be so redeemed by any judgment creditor or mortgagee, he shall have a lien on said land and real estate for the amount actually paid by him as aforesaid, with legal interest thereon, to be collected and recovered in the same manner and at the same time as if included in the mortgage or judgment; and that no assessment or sale shall be set aside, or declared invalid, because of any error in the name of any land-owner, or because of the omission to name him or her, when unknown to the board, or because of any slight error or inaccuracy in the description of said land and real estate in any of the proceedings; *provided*, the same be so described as to be easily identified.

Mortgagee or judgment creditor not divested of rights.

Proviso.

16. *And be it enacted*, That the collector of the county of Essex is hereby authorized and directed to deposit to the credit of the "Essex Public Road Board," with such bank or trust company as shall be designated by any order of the said board, any and all such sum or sums of money as said board may from time to time require, and direct to be so deposited for payment of any assessment of damages as aforesaid, or for payment of the cost of any work, services or material done or furnished under any contract, proceeding or otherwise, for surveying, locating, laying out, opening, regulating, grading, constructing, reconstructing, maintaining or otherwise improving any road or any part or parts thereof, the construction or maintenance of which by law is or shall be under the direction, control and management of said road board, or for payment of any incidental costs and expenses of said board, specifying in their said order upon said

County collector to make deposits for use of board.

collector, for what particular purpose or purposes, or upon what particular work or proceeding said money is required; and to enable the said collector to raise such money and to deposit it as aforesaid, without delay; the board of chosen freeholders of the said county is hereby authorized, empowered and required to borrow, from time to time, in the name of the board of chosen freeholders of the county of Essex, by the issue of bonds, to be signed by the director and countersigned by the collector, and payable at any time not exceeding five years, and bearing such rate of interest as said board of chosen freeholders may deem proper, not exceeding seven per centum per annum, any and all such sum or sums of money as may be necessary to pay all such damages, cost and expenses, incurred or to be incurred as aforesaid; and whenever such damages, cost and expenses, or any part thereof, is afterwards collected by assessment from the property benefited by such improvement, the proceeds of such assessments, so to be laid and collected for each and every such improvement, are hereby pledged for the redemption of the bonds so to be issued, and the remainder or deficiency necessary for the redemption of said bonds, and the interest thereon, shall be certified by said collector to the said board of chosen freeholders as soon as the same shall be ascertained by him, and be by the said board of chosen freeholders included and raised in the then next annual levy for annual taxes in the county of Essex, and be applied to the final and full redemption of said bonds and the interest thereon; and that it shall be the duty of the said road board to pay to the said collector all moneys collected or received by them, for assessments for benefits, as soon as the same shall be so collected or received.

Election and appointment of commissioners, and their compensation

17. *And be it enacted*, That the said commissioners shall receive a salary of one thousand dollars each, to be paid quarterly by the county collector, and shall hereafter be elected and appointed as follows, that is to say, one of them shall be annually appointed by the board of chosen freeholders of said county at their stated annual meeting on the second Wednesday in May, eighteen hundred and seventy, to hold office for the term of one year; and the other four shall be elected by the legal voters of said county at the same time and in the same manner as members of general assembly are elected; and at the election for members of the general assembly in the year eighteen hundred and seventy,

two commissioners shall be elected to serve one year, and two to serve for two years, the ballots to be separate, and to designate the time of service; and at the election for members of the general assembly to be held in the year eighteen hundred and seventy-one, and every year thereafter there shall be elected two commissioners, each of whom shall hold office for the term of two years, and no ballot shall be counted in any election for commissioners which shall contain the name of more than one person to serve as such commissioner; the two persons who shall receive the highest number of votes, shall be declared duly elected; the five commissioners so appointed and elected in the year eighteen hundred and seventy shall enter on the discharge of their duties on the first Monday of January, eighteen hundred and seventy-one; and the terms of office of those subsequently elected and appointed shall commence on the first Monday in January next after their election and appointment; and any vacancy that may occur in said board, by death, resignation or otherwise, shall be filled by the said road board at a meeting called for that purpose; the appointment made shall be only for the residue of the term of office so vacated.

Fees.

18. *And be it enacted*, That the following, and no other fees shall be allowed and taken for the hereinafter mentioned services, namely: to the justice of the supreme court, or of the inferior court of common pleas, for any appointment of freeholders and for administering to them the oath or affirmation herein required, the sum of five dollars, and to each freeholder, so appointed, the sum of three dollars for every days' service by him rendered.

Annual report of receipts and disbursements

19. *And be it enacted*, That the said road board shall lay before the director of the board of chosen freeholders of said county, annually, on or before the first day of May, a full and detailed account or report of the receipts and disbursements of said road board for the year preceding, to the end that the same may be submitted by said director to said board of chosen freeholders.

Roads to be kept in repair at expense of the county.

20. *And be it enacted*, That all roads constructed or reconstructed by the said board, whether laid out or appropriated and taken in charge by them, shall thereafter be maintained and kept in repair by them at the expense of the said county.

21. *And be it enacted*, That it shall be the duty of the said road board to maintain in the best possible order the several

roads constructed or reconstructed by them; and in case any of said roads shall be neglected and suffered to remain in bad condition for want of repairs, the said road board shall be adjudged guilty of a misdemeanor, and on conviction thereof may be punished by fine not exceeding one thousand dollars and costs, and each member of said board shall be personally liable for one-fifth part thereof, and may be imprisoned until the same shall be paid; which fine and costs shall be paid to the said county collector for the use of said county. Penalty when roads are suffered to remain in bad condition.

22. *And be it enacted*, That in addition to the powers conferred by this act, it shall be lawful for the said board and their authorized agents, to use and exercise all the powers and privileges belonging or appertaining to overseers of the highways, under any general law or laws of this state. To have same powers as overseers of highways.

23. *And be it enacted*, That the act entitled "An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved April seventeenth, eighteen hundred and sixty-eight, and all other acts and parts of acts inconsistent with the provision of this act, be and the same are hereby repealed; and that this act shall be deemed and taken to be a public act, and shall take effect immediately. Repealer.

Approved March 31, 1869.

CHAPTER CCCLX.

A Supplement to "An Act to set off a new township from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton," passed February nineteenth, eighteen hundred and thirty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the judgment of the township committee of the township of Clinton, any low lands in said township are in such condition that the proper Appointment of commissioners, their powers and duties.

draining of the same will be of public advantage, it shall be lawful for said committee to appoint three suitable and disinterested persons as commissioners, who shall thereupon take an oath, faithfully to discharge the duties required of them by this act, and shall be commissioners to superintend the draining of said lands; said commissioners shall have power by virtue of this act, to enter upon such low lands, and other lands necessary for draining the same, to employ all such engineers and others as may be necessary to locate the route of such ditches or drains, as may be required to drain said lands, and make the necessary surveys and profiles for the same, to straighten, enlarge, deepen, clean out and remove any obstruction from any old ditches now existing, or which may hereafter be existing, they shall have further power to contract for the digging, excavation, and construction of such ditches and drains in such manner as may seem to them effectual, and when said work shall be so far completed that the expense thereof can be ascertained, they shall have power to assess the entire costs of said work, including any damage that may be done to any lands through which any ditch or drain may be dug, and their own necessary expenses and payment for their time, which shall be at the rate of three dollars per day, for every day actually spent, upon the owners of such lands as may be benefitted by said draining, as nearly as may be in proportion to the benefits deemed by said commissioners to have been derived by said land owners, and file the same with the clerk of the township of Clinton, and the said clerk shall thereupon give notice by advertisement signed by himself, and put up at five of the most public places in the said township of Clinton, which said notice shall contain the names of all persons who shall be thus assessed, and the several amounts assessed against them severally, and shall also name a day and place for a meeting of said commissioners to hear and determine any objections against said assessments, and said commissioners shall meet at such time and place so appointed, and shall hear and determine any and all objections to said assessments, and at such meeting which may be adjourned from time to time, as to said commissioners may seem best, or at the adjourned meeting or meetings the said commissioners may alter, enlarge or decrease said assessments, or any of them; the meetings so appointed by said notice shall not be less than ten days, nor more than twenty days from the time of giving said notice; after hearing and

Notice to be given of time and place of receiving assessments.

determining any objections which may be made at such meeting or meetings of said commissioners, they shall immediately give notice in writing, by advertisements put up at five of the most public places in the said township of Clinton, of a day which shall not be less than twenty days, nor more than thirty days from the time of giving such last named notice, and of a place in said township of Clinton, when and where said commissioners will meet to receive payments of said assessments, said last named notice shall contain the names of all persons who shall have been assessed as aforesaid, with the amounts of their several and respective assessments, as the same may have been altered, if so done, and if any of said assessments remain unpaid after such time so appointed for the payment thereof as aforesaid, then it shall be the duty of the clerk of the said township of Clinton, forthwith to commence suit in a plea of debt, in his name, as such clerk, before any court of competent jurisdiction in this state, for the recovery of said assessments remaining unpaid, such suit shall not abate by reason of the term of office of said clerk expiring, but shall be continued in his name, and it shall only be necessary in such suit, for said clerk to file a declaration for money had and received, and in such suit the said court shall have full power to proceed to final judgment and to issue execution for the recovery of the assessment, and the interest and costs of said suit.

Assessments to remain a lien until paid, and manner of collection.

2. *And be it enacted*, That the said assessments when completed under this act shall be and remain a lien upon the land upon which the same shall be assessed until paid; and in addition to the remedy given in the preceding section of this act for the recovery of the said unpaid assessments, the said lands so benefited by such draining and the assessments upon which shall remain unpaid after the notices have been given, and the meeting or meetings of said commissioners held which are contemplated by the preceding section of this act, shall and may be sold by said commissioners; before proceeding to such sale the said commissioners shall advertise the said lands, with the name or names of the owner or owners thereof, if such name or names can be ascertained, if not, then such advertisements shall state that the name or names of the owner or owners are unknown, and shall also state the time and place of such sale by setting up advertisements in five of the most public places of the said township of Clinton, and by publishing such notice once a week in a news-

paper printed and published in the city of Newark and circulating in the township of Clinton, four weeks at least, and at the time and place so appointed, the said lands shall be sold by the said commissioners by public vendue to the person or persons who will take the same for the lowest number of years, not exceeding in any case fifty years, and pay the said assessments and the interest thereon; the costs and expense of said advertisement and sale and the cost of preparing and executing a declaration of sale, which declaration of sale may be executed, proved or acknowledged according to law by said commissioners or any one of them under their or his hands and seals, and by virtue thereof when so executed, proved or acknowledged and delivered, the said purchaser or purchasers shall have, hold, use, occupy, possess and enjoy the said lands so sold during the full number of years for which the same may have been so sold as aforesaid; said sale as to the whole or any part of said land so advertised may be adjourned by said commissioners from time to time as they shall deem best.

Proceedings for redemption of land sold for assessments.

3. *And be it enacted*, That any person or persons having any legal or equitable estate, title or interest in the said land so sold may at any time within one year from such sale redeem the said land so sold by paying to the said purchaser or purchasers the full amount by him or them paid on said sale, and all other payments of taxes or other assessments which may have been levied, assessed or imposed on said land so sold and paid by said purchaser or purchasers, with interest thereon at the rate of fifteen per centum per annum, and upon such amount or interest being paid or tendered to the said purchaser or purchasers, the estate, title and interest of said purchaser or purchasers, and all person or persons claiming by, from or under him or them, in said land shall cease, determine and be null and void; and in case any person or persons having such legal or equitable interest in any land so sold as aforesaid shall desire to redeem the same and shall not be able upon diligent search and inquiry to find said purchaser or purchasers, or said purchaser or purchasers shall not reside in this state or shall be deceased, then such person having such legal or equitable interest, may within the said one year deposit the amount necessary to redeem the said lands with the clerk for the time being of said township of Clinton, for the use of said purchaser or purchasers, or his or their legal representatives, and shall forthwith with-

in the said year publish a notice by advertisements set up at five of the most public places in said township of Clinton and for ten days in a public newspaper printed and published in the city of Newark, in this state, and circulating in said township of Clinton, and thereupon the estate, title and interest of the said purchaser or purchasers and of all persons claiming by, from or under him or them shall cease, determine and be void; and the said clerk or his successor, to whom he shall pay the same when his term of office expires, when thereto requested by said purchaser or purchasers, or his or their legal representatives, shall pay over said money so deposited to such purchaser or purchasers, or his or their legal representatives.

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

Approved March 31, 1869.

CHAPTER CCCLXI.

Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An Act to amend an act entitled 'An Act to revise and amend the charter of the city of Elizabeth,'" approved March twentieth, eighteen hundred and sixty-seven, as declares that the election for municipal officers of the said city of Elizabeth, and for members of the board of chosen freeholders of the county of Union, named therein, shall be held in the several wards of the said city at the time as is now prescribed by law for the election of members of the general assembly of the state of New Jersey, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That the election for officers for the said city of Elizabeth, viz: mayor, councilmen, surveyors of highways, commissioners of public schools, police justices, Election of officers.

assessors, judges, and inspectors of elections, clerks, commissioners of appeal in cases of taxation, chosen freeholders and constables, shall be held in each of the wards of said city on the second Monday in April, eighteen hundred and seventy, and on the second Monday of April in each and every year thereafter, and shall hold their said offices respectively, for the term of one year, viz: from the first day of May succeeding each election, until the first day of May in the following year, except the school commissioners and members of the city council whose terms of office shall be for two years respectively; *provided*, that the city council shall have power and it shall be their duty on or before the first day of January, eighteen hundred and seventy, to revise the boundaries and increase the number of wards, if, in their opinion, the public good requires; and that at the election held on the second Monday of April, eighteen hundred and seventy, the member of the city council elected from the odd numbered wards shall hold his office for two years, and the member elected from the even numbered wards for one year; and the school commissioner elected from the even numbered wards shall hold his office for two years, and the commissioner elected from the odd numbered wards for one year; and after that election there shall be elected from each ward but one member of the city council and one school commissioner as their respective terms of office expire, who shall each hold his office for two years.

Proviso.

Expiration of terms of office

3. *And be it enacted*, That the present incumbents of said offices named in the second section of this act and the receiver of taxes, except chosen freeholders, shall continue in and hold their said offices respectively, and perform all the duties thereof as required by law, until the first day of May, eighteen hundred and seventy, at which date the duties of the present city council and all other officers elected for said city and the receiver of taxes, shall terminate.

Approved March 31, 1869.

CHAPTER CCCLXII.

Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five, and its several supplements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limitation of one hundred feet in width of land as provided in the sixth section of the act to which this is a supplement, shall not apply in places where the nature of the ground requires a greater width for the slopes of cuts and embankments. Width of road.

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

Approved March 31, 1869.

CHAPTER CCCLXIII.

A Supplement to "An Act to incorporate the City of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sole and exclusive power to grant license to persons to keep inns and taverns within said city shall be vested in the common council on such terms and under such limitations, regulations and restrictions as the said common council shall by ordinance impose. Licenses of inns vested in common council.

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

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

Approved March 31, 1869.

CHAPTER CCCLXIV.

Supplement to "An Act to regulate Fees," approved April fifteenth, eighteen hundred and forty-six.

Duties of the sheriff.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be the duty of the sheriff of the county of Monmouth to serve or cause to be served all subpœnas on the part of the state, issuing out of any criminal court in said county, and he shall be entitled to receive for such service the sum of one dollar and twenty-five cents for each and every person so subpœnaed.

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

Approved March 31, 1869.

CHAPTER CCCLXV.

An Act to incorporate the city of Bergen Fire Department Fund for the benefit of all indigent and infirm firemen of the city of Bergen, and also their widows and orphans.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William McAllister, Francis McNichol, William H. Nere, Michael Simmons, junior, Henry H. Newkirk, George B. Sanford, Samuel A. Besson, Benjamin Van Kenran, Samuel McBurney and Garret A. Vreeland, be and they are hereby constituted and made a body politic and corporate, in fact, name and law, by the name of

Name.

"The Trustees of the city of Bergen Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and

places whatsoever, to make and use a common seal and change the same at pleasure, and to purchase, take, have, hold and receive and enjoy any lands, tenements or hereditaments, in fee simple and otherwise, and any moneys, goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and to grant, convey, assign, sell, or otherwise dispose of the same for the purposes of the said corporation; *provided always*, that the principal sum of such estate shall at no time exceed in value the sum of twenty-five thousand dollars, nor be applied to any other purpose than those for which the corporation is formed. May purchase and hold real estate. Proviso.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may in the opinion of the board of trustees require assistance in conformity with the following provisions: all firemen being indigent and infirm, and all firemen who have been disabled and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen shall be entitled to relief from the said corporation. Objects.

3. *And be it enacted*, That the board of trustees shall consist of two persons from each engine, hose, and hook and ladder company of the fire department of the city of Bergen, two-thirds of whom shall constitute a board for the transaction of business, and the said board have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful, for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of the state of New Jersey. Trustees, how chosen. Proviso.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company, and at the first annual election after the passage of this act, each company shall elect two trustees, whom the board of trustees at their first meeting after any such election, shall divide by lot into two equal classes, one of which shall go out of office at the expiration of one year, another at the expiration of two years, and that at every election thereafter, the said companies shall respectively elect one person as trustee, who shall hold office for two years, and in case of death, resignation or Election of trustees.

disability of any trustee, a person shall be duly elected to fill the unexpired term by the company he represented in said board.

President and other officers.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall from among their number choose by ballot a president, vice president and secretary, and in case of vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

Treasurer.

6. *And be it enacted*, That the board of trustees at their first meeting in each year shall, from among the members or exempt members of the fire department of the city of Bergen, choose by ballot a treasurer.

Certificates of membership of fire department.

7. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen shall deliver to the chief engineer of the fire department of said city, all certificates of membership granted by them, and the chief engineer shall countersign each certificate upon receipt of one dollar from the person entitled to the same, said money to be paid over to the treasurer by the chief engineer quarterly, and no person shall be considered a member of the fire department of the city of Bergen until his certificate is countersigned as above.

Principal not to be impaired

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting any assistance contemplated by this act.

Treasurer to give bond.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of his office.

Property free from taxes and assessments.

10. *And be it enacted*, That the property and effects of the said corporation, held or used for the purpose designed by this act, shall not be subject to the imposition of any tax.

Repealer.

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

Limitation.

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

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

Approved March 31, 1869.

CHAPTER CCCLXVI.

An Act to amend the title of an act entitled "A Supplement to an act passed February sixteenth, one thousand eight hundred and sixty-seven, entitled 'An Act to incorporate the City of Hudson Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hudson, and also their widows and orphans,'" which supplement was approved March twenty-seventh, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the act entitled "A Supplement to an act passed February sixteenth, one thousand eight hundred and sixty-seven, entitled, "An Act to incorporate the City of Hudson Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hudson, and also their widows and orphans,'" which supplement was approved March twenty-seventh, one thousand eight hundred and sixty-eight, be and the same is hereby amended by striking out the word "seven" immediately following the words "one thousand eight hundred and sixty" and insert the word "one" in its place. Amendment.

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

Approved March 31, 1869.

CHAPTER CCCLXVII.

An Act to incorporate the Library Hall Association of Caldwell.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Noah O. Baldwin, Joel D. Corporators.

Mead, Marcus Harrison, Lewis G. Lockwood, Joshua M. Beach, Lambert Speer, Marcus Y. Baldwin and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of "The Library Hall Association of Caldwell," and by that name shall have power to lease or to purchase and to hold, sell and convey real estate in Caldwell, Essex county, state of New Jersey, and to erect thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts and exhibitions, subject to the by-laws and regulations of said corporation.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of five thousand dollars, with the liberty to increase the same hereafter whenever a majority of the directors of the said corporation shall so determine to any sum not exceeding ten thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct; and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders.

Commissioners to open books of subscription.

4. *And be it enacted*, That Noah O. Baldwin, Joel D. Mead, Marcus Harrison, Joshua M. Beach, Lewis G. Lockwood, Lambert Speer, Marcus Y. Baldwin, shall be and are hereby appointed commissioners to open the books and receive subscriptions of stock in said corporation, and shall meet for that purpose in the village of Caldwell, after giving notice of the time and place of such meeting, within six months from the passage of this act; and the said Noah O. Baldwin, Joel D. Mead, Marcus Harrison, Lewis G. Lockwood, Joshua M. Beach, Lambert Speer, Marcus Y. Baldwin, shall be and are hereby appointed the first board of directors for said corporation to hold their office for one year from the time of organizing the same and until others shall be elected by the stockholders to fill their places.

Directors, how chosen.

5. *And be it enacted*, That the directors shall be elected from among the stockholders in such manner as the by-laws of said corporation shall direct and shall not be less than five in number, and shall with all other officers of said corpor-

ation hold their offices until others are elected and duly qualified in their stead.

No part of capital to be withdrawn.

6. *And be it enacted*, That no part of the said capital stock at any time or in any manner or under any pretence whatever, shall be withdrawn from the legitimate business of said corporation or refunded to the stockholders until all debts and liabilities of the said corporation are duly paid.

Debts.

7. *And be it enacted*, That the whole amount of debts which the said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for and paid in.

Annual statement.

8. *And be it enacted*, That annually, in the month of January, the directors of said corporation shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against such corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, which, with said statement, shall be verified by the affidavit of the president or vice-president and one of the directors; and no dividends shall be paid to the stockholders except only from and out of the surplus profits arising from the business of the said corporation.

Books, &c., exempt from taxation.

9. *And be it enacted*, That the books and furniture belonging to said Library Hall Association shall be exempt from taxation.

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

Approved March 31, 1869.

CHAPTER CCCLXVIII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of Egg Harbor City," approved February thirteenth, one thousand eight hundred and sixty-eight.

Proceedings in collection of delinquent taxes

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the mayor, or a resident justice of Egg Harbor City, on receiving a list of the names of delinquent tax payers, to administer an oath or affirmation to the city treasurer, that the moneys in said list have been duly demanded by legal notice served upon or left at the residence of each delinquent, if living in the city, or that said delinquents are absent or non-residents, and thereupon to give to the said treasurer a receipt for such list, certifying therein the names of the delinquents and the sums at which they are respectively assessed; and it shall be lawful for the common council of said city at any of its regular meetings, after the list of names of the delinquent tax payers has been delivered as aforesaid, to direct said mayor or justice, within ten days to deliver to any constable, resident in said city, a warrant requiring him to levy the tax so in arrears, with cost, interest, fees, charges and expenses thereon, by causing a sale of all the goods, chattels, lands, tenements and hereditaments, on which the said tax in arrears were assessed and claimed to be due, or so much thereof as will be necessary for the payment of said tax, with interest, cost, fees, charges and expenses [due thereon; and if after the payment of said tax, interest, cost, fees, charges and expenses,] any balance remains, such balance shall be deposited with the common council, who shall cause the clerk to record such deposits into a particular book to be held for this purpose, and shall instruct the treasurer about the manner of safe keeping the amounts thus deposited.

May sell goods, chattels and lands.

Must give notice of sale.

2. *And be it enacted*, That it shall and may be the duty of the said constable, to whom such warrant shall be directed as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any goods, chat-

tels, lands, tenements and hereditaments, by advertisement, signed by said constable, and inserted in at least one newspaper printed and published in said city, for at least sixty days, once in each week before the time appointed for such sale, and also set up for the same period, in five of the most public places in said city; *provided however*, such sale may be adjourned from time to time, with the concurrence of two-thirds of the members of the common council, present in any of its regular or special meetings. Proviso.

3. *And be it enacted*, That if any of such delinquent tax payers at any time before the ten days next preceding the sale, shall appear before the treasurer of the city and pay said delinquent tax, with interest, cost, fees, charges and expenses due thereon up to the day of the payment, then in such case the treasurer shall receive the same and give his receipt therefor. Delinquents may pay before sale.

4. *And be it enacted*, That all the tax and assessments which shall be made or are in arrears on any real estate in said city, whether the same be state, county, city or school tax, shall be and remain a lien thereon, until paid in full, notwithstanding any subsequent descent, devise, alienation, mortgage or other incumbrance thereon, and that said tax now in arrears on said real estate may be collected under and by the provision of this act. Taxes and assessments a lien on real estate.

5. *And be it enacted*, That in cases where the common council may deem it for the interest of the city they may authorize the treasurer of the city to appear at such sale and bid on such lands as are offered for sale as aforesaid, in the name of the city, the lands so sold to him, if any, to be [the] property of said city. Treasurer may purchase lands for city.

6. *And be it enacted*, That immediately after such sale the common council shall cause a certificate of such sale, signed by the mayor and attested by the clerk of said city, to be executed and delivered to such person or persons who may become the purchasers of lands so sold, describing the piece or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold. Certificates of sale.

7. *And be it enacted*, That no deed shall, however, be given to the purchaser of lands sold as aforesaid, until after the lapse of one year from the time when the certificate of sale shall have been executed and delivered, and if during that time the owner or owners of any such lands, or any person Deed not to be given until the lapse of a year.

Owner may redeem the same.

having any claim upon, or interest in the same, shall appear and claim the said lands and pay the tax due thereon with interest, cost, fees, charges and expenses, and pay further for improvements in cultivating, if such have been made thereon, such sum to the respective purchaser as shall be determined by two disinterested persons, to be appointed by the common council, then the said common council shall refund the purchase money paid by the purchaser to them with interest thereon, and deliver possession of the said lands to the person or persons so redeeming the same; and in case no person shall appear to redeem the said lands, then, on or after the expiration of the said day, the said constable who made the sale of said lands, or his successor in office, shall execute and deliver to the purchaser of the land so sold, a deed for the same; and the said purchaser shall by virtue thereof hold the said lands to himself, his heirs and assigns forever, against the owner or owners thereof, and against every other person claiming under such owner or owners; all balances of purchase money for land thus sold and not redeemed, shall be held by the common council as above provided for, until the person or persons entitled thereto shall apply for the same, and upon the common council being satisfied that such person or persons so applying are entitled to such balance, then to pay over the same to such person or persons.

Repealer.

8. *And be it enacted*, That sections eighteenth and nineteenth of an act entitled "An Act to revise and amend the charter of Egg Harbor City," approved February thirteenth, eighteen hundred and sixty-eight, are hereby repealed.

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

Approved March 31, 1869.

CHAPTER CCCLXIX.

A Further Supplement to an act entitled "An Act to incorporate the City of Hudson," approved April eleventh, eighteen hundred and fifty-five.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the mayor and common council of the city of Hudson to pay the principal and interest of the bonds issued for the purpose of raising volunteers, and for the support of the families of volunteers engaged in the military service of the United States, and to pay the principal and interest of the bonds issued for the payment of bounties to volunteers, and all other bonds issued and indebtedness contracted for the purpose of enlisting men into the military and naval service of the United States, and for war purposes, it shall be lawful for the said "The mayor and common council of the city of Hudson," to issue under their corporate seal, and the signature of the mayor of said city, bonds to an amount not exceeding fifty thousand dollars, to be disposed of at such times and in such manner as to them may seem advisable; and all bonds so issued shall be and are hereby declared legal and valid, and may be made payable at such times and rates of interest, not exceeeding seven per centum per annum, as they may deem expedient.

May provide for payment by taxation.

2. *And be it enacted*, That the mayor and common council of said city shall have power to provide by tax for the payment of said bonds and the interest thereon, and that none of the restrictions, limitations or conditions contained in thirty-third section of the act to which this is a supplement shall be held in anywise to affect this act, but this act shall be and remain effectual to all intents and purposes as if the said section had not been enacted.

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

Approved March 31, 1869.

CHAPTER CCCLXX.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Preamble.

WHEREAS, a certain portion of the city of Newark, included within an area contained within the following boundaries, viz: Beginning on the Newark and Pompton turnpike, on the southwest side thereof, where the same is intersected by the easterly line of Webster street; thence along said turnpike northwesterly to the Morris canal; thence southwesterly along said canal to Orange street; thence southeasterly along Orange street to Chatham street; thence along said Chatham street northeasterly to Drift street; thence easterly along Drift street to Factory street; thence northerly along Factory street to Seventh avenue; thence easterly along Seventh avenue to Webster street; thence northerly along Webster street to the Newark and Pompton turnpike and place of beginning (as said streets and avenues have been projected on the map of the commissioners appointed to lay out streets, avenues and squares in the city of Newark,) has been in many instances laid out in streets, alleys and ways, with great irregularity, and without regard to the wants and convenience of the public, or to the mutual interests of the property owners; and whereas, it is desirable that the opening of certain new streets and vacating of certain old streets should be accomplished with the greatest economy and uniformity of plan; therefore,

May include in one ordinance two or more works of improvement, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark, whenever and as often as in their opinion the public good requires, may from time to time include in one ordinance, to be passed and approved in all cases as heretofore, two or more works or improvements within the district aforesaid, and may lay out, open and vacate, as the case may require, at the same time and by the same proceedings, such streets, avenues and highways as may have been projected on the said commissioners' map, or which may have been already

laid out; and it shall be lawful for the common council to appoint commissioners as heretofore, to make an estimate and assessment of the damages that any owner or owners of land and real estate will sustain by the said improvements as so ordained, and to make an assessment of the costs, damages and expenses thereof upon the owners of all lands and real estate intended to be benefited thereby; and the said commissioners, in making their reports, and the common council and city officers, in acting upon the same, shall proceed in all respects as nearly as may be in accordance with the provisions of the act to which this is a supplement, and the various supplements thereto in similar cases; and in addition to the powers and duties already conferred and prescribed by said acts, it shall be lawful for the said commissioners, whenever in their judgment the interest of all parties will be best promoted thereby, to purchase and take conveyances in the name of the city of the whole of any lot of land which may be intersected by any street or avenue proposed to be opened, or which may bound upon any street or avenue proposed to be vacated, or any lot that may be cut off from frontage on any street; and under the authority and direction of the common council may sell at public or private sale, at their discretion, such portion of the lands and real estate so acquired as may not be necessary for the streets or avenues proposed to be opened; and the mayor when so directed by the common council, shall execute a good and sufficient deed to the purchaser thereof; and the net proceeds derived from such sales shall be applied to reduce the costs, damages and expenses to be assessed upon the parties benefited by said improvements respectively.

Commissioners may purchase lands, &c.

2. *And be it enacted*, That it shall not be lawful for either of the commissioners so as aforesaid to be appointed, during the time of his service, to make known or divulge to any person the plans or counsels of any of said commissioners with respect to purchases of land by them contemplated, nor to be directly or indirectly interested in any contract for the purchase or sale of the lands acquired under the provisions of this act.

Commissioners shall not make known their plans.

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

Approved March 31, 1869.

CHAPTER CCCLXXI.

An Act to incorporate the Fostertown and South Branch Marl and Transportation Company, of Burlington County.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dr. Henry P. Ely, Henry I. Budd, Edward French, Dr. Josiah Reeves, Benjamin F. Shreve, Jonathan Oliphant, Charles Bispham, Franklin C. Doughten, Charles Haines, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate by the name of "The Fostertown and South Branch Marl and Transportation Company;" and that the principal office and records of said company shall be kept in the town of Medford, in Burlington county, New Jersey.

Name.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be thirty thousand dollars (with privilege of increasing it to one hundred and fifty thousand dollars), to be divided into shares of fifty dollars each, to be deemed personal property, and shall be transferred only on the books of said corporation.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they, or a majority of them shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid to the said commissioners, or shall be satisfactorily secured, the residue of the subscription shall be paid in such installments, and at such times and places, and to such person and persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulated in the county of Burlington, and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said installments or any of them for the use of said company; and when twenty-five thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice

Non-payment of installments to work a forfeiture of stock.

of a meeting of the stockholders, at such time and place as they may designate, to choose eleven directors, a majority of whom shall be residents of this state, who shall hold their office for one year or until others are duly elected; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the resignation, death or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the then current year by the said board of directors. Directors, and how elected.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be and they are hereby authorized and empowered to purchase, lease, have, hold, take, occupy and convey such and so many marl beds in the county of Burlington as they may deem necessary, and to open and work the same, and to transport the marl taken therefrom from place to place, and to sell the same, and to purchase, hold and convey such other lands, and to erect such buildings therein as may be necessary or convenient for such business, and the lands necessary therefor, and to lay, keep and maintain drains through the contiguous and adjacent lands for the benefit of their said marl beds. May purchase and hold marl beds, &c.

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

Approved March 31, 1869.

CHAPTER CCCLXXII.

An Act to incorporate the Blackwoodtown and White Horse Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David E. Marshall, Charles Stevenson, Jonas Livermore, Ephraim Tomlinson, David C. Thorn, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Blackwoodtown and White Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Name.

Amount of capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, place or places, as they or a majority of them may think proper, giving at least twenty days notice of the same in three of the newspapers published in this state, and at the time of subscribing or as soon thereafter as the said commissioners shall demand the same, ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and when five hundred shares (twenty-five thousand dollars) are subscribed, the persons holding the same shall be, and they are hereby incorporated into a company as aforesaid; and the commissioners shall give like notice for the meetings of the stockholders to choose nine directors, a majority of whom so chosen shall be residents and citizens of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful

Directors, and how elected.

proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners or a majority of them shall be inspectors of the first election of directors of said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and moneys paid in to said directors, deducting a reasonable compensation for their services, and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Powers of directors.

4. *And be it enacted*, That the directors at such meeting, and at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until the next succeeding annual election, and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise until the next succeeding annual election.

Not dissolved for failure to elect directors.

5. *And be it enacted*, That the annual election for directors shall be held at such time and place as the board of directors shall hereafter direct, of which election, public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been, the said corporation shall not from that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given, as before directed, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments, and at such times as they may direct; *provided*, that such payments shall not exceed five dollars a share per month; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulations of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants, as to them shall seem meet, and

Payment of installments.

to establish and fix such salaries to them, and also to the president, as to the said directors shall appear proper.

May borrow money and issue bonds.

6. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines, cars, machinery and buildings for the use and objects of the said company, and to secure the repayment thereof, by bond and mortgage or otherwise on the said roads lands, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

May lay out and construct a railroad, and route.

7. *And be it enacted*, That the president and directors of said company, be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near Blackwoodtown, in the county of Camden, to some suitable point on the Camden and Atlantic Railroad, at or near White Horse in said county, or with the West Jersey Railroad at or near Woodbury or Westville, in Gloucester county, and to extend the same to some suitable point in the township of Monroe, in the county of Camden, and of connecting or consolidating at either terminus with any railroad now or hereafter to be built, and the said road or roads shall not exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary, and it shall be lawful for the said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon the lands or water, for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary work, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ to enter upon and take possession, hold, have, use, occupy and excavate any such lands, to erect embankments, bridges, piers, wharves, and all other works necessary for the construction, comple-

tion or repair of the said road, subject to such compensation as is hereafter provided; *provided always*, that the payment or tender of payment, for all damages for the occupation of land through which the said railroad shall be laid out, be made; and if said owner of such land shall not see fit to receive such assessment, the amount of such assessment shall be paid into the circuit court of the county where the damages accrue, before the said company or any person under their direction or in their employ, shall enter upon or break ground on the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, or materials for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such arrangement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the said company; and also the name or names of the occupant or occupants if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said lands or materials, and to assess the damages upon notice, not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same faithfully and impartially, to examine the matter in question and make a true report according to the best of their skill and understanding,) to meet Proceedings in case no agreement can be made with owners of property.

at the time and place appointed, and to proceed to review and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such lands and materials and damages aforesaid; which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter together with the aforesaid description of the land, and the appointment and oath and affirmations aforesaid in the clerk's office of the supreme court, to remain of record therein; which report or a copy thereof, certified by a clerk of the said court, shall at all times be considered as plenary evidence of the right of the company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of the said valuation with the interest and costs, in an action of debt, in any court of competent jurisdiction in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made by their treasurer; and shall from time to time constitute a lien upon the property of the said corporation in the nature of a mortgage, and the said justice of the said court shall on application of either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice commissioners, clerks and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Proceedings on appeal.

9. *And be it enacted*, That in case the said corporation or owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie at the first or second term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest in the said court, full right and power to hear and adjudge the same, and direct a proper issue for the trial of the controversey to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said court to be holden in said county upon the like notice and in the same manner

as other issues in the said court are tried; and it shall be the duty of said jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the said court shall direct; but such application shall not prevent the company from taking the said lands or materials upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Must construct bridges, &c.

10. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby.

Rates of fare, &c.

11. *And be it enacted*, That the president and directors of the said corporation shall have the power to have constructed or to purchase with the funds of the corporation and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property; and they are hereby authorized to demand and to receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than eight cents per ton per mile for the transportation of any description of property; nor shall more than half the above rate be charged for carrying any fertilizing materials; and the said railroad with the appendages and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever

Proviso

belonging to the corporation are hereby vested in the said corporation and their successors, for and during the continuance of this charter.

Dividends.

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

May purchase and hold real estate.

13. *And be it enacted*, That the said company may receive, purchase, have and hold real estate, at or near the commencement and termination of the said road, or at any other point or points on the line of said road when and where the directors may think proper, and may erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety and interest of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof; and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams so as not to obstruct the navigation thereof.

Proviso.

May make contracts.

14. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuation of its charter, to lease the said road, or to make contracts and engagements with any other corporation or with individuals for transporting or carrying any kind of goods, produce, merchandise, freight, or passengers, and shall have power to enforce the fulfillment of the same.

Penalty for injuring works.

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

President must file statement of cost of railroad.

16. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirma-

tion, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter on the first Monday of January in each year, and such other taxes as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purpose and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

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

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, when traveling upon official business, and the members of both houses of the legislature of this state, during their term of office, may pass and repass upon said railroad in the cars of the company free of charge. Free passes.

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

Approved March 31, 1869.

CHAPTER CCCLXXIII.

A Further Supplement to an act entitled "An Act to establish the Long Branch Police Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the supplement to said original act, approved April third, eighteen hundred and sixty-eight, be and the same is hereby repealed.

Assessments, how made.

2. *And be it enacted*, That all assessments for the purposes of taxation under said original act and its supplements shall according to the value of the real estate within the limits therein specified; *provided*, *however*, that the expenses of watering, grading, widening, repairing and improving any roads, streets or avenues within said limits, shall be assessed upon by the owners of lands fronting on such roads, streets or avenues respectively, according to the relative value of such land.

Commissioners, how appointed and elected.

3. *And be it enacted*, That the commissioners provided for by said acts and its supplements shall be six in number, and shall hereafter be appointed and elected in manner following, viz: the justice of the supreme court for the time being of, or for the judicial district in which said county of Monmouth is situated, shall, on any day after the first Tuesday of June next, and on any day after the first Tuesday of same of every second year thereafter, appoint three men to be such commissioners, who shall hold office for two years; and the lawful voters within said limits shall, on the first Tuesday of June next, and on the same day every second year thereafter, elect in like manner as county and township officers are now elected, three other persons to be commissioners, which six persons so appointed and elected shall constitute the board or commission contemplated or provided for by said original act and its said supplement, and shall act without any fees, salary or compensation whatever, and shall hold their offices respectively until successors are elected or appointed in the manner provided by this act.

4. *And be it enacted*, That at the same election said voters shall elect two inspectors of election and one clerk of election, to serve at the next election to be held under this act. Officers of election.

5. *And be it enacted*, That the said election provided for in the said third section of this act shall be held at the Arcade hotel within said limits, and Jordan Woolley, Edward Wardell and Samuel C. Morris, or such one or more of them as may consent to serve, shall act as inspectors, and Elwyn S. Green shall act as clerk; that at such election the polls shall be open at one o'clock, p. m., and close at seven o'clock, p. m.; that the persons elected shall hold their office for two years from the said first Tuesday of June next, and until their successors are elected and sworn into office; that on the first Tuesday of June, and every second year thereafter, the legal voters aforesaid shall, and may hold a like election at such place within said limits as may be designated from time to time by the said board of commissioners, who shall, by ordinance, prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *provided, however*, that said election shall be by ballot, and the polls at such election shall be open at least from one o'clock, p. m., until seven o'clock, p. m., of all which public notice shall be given by said board of commissioners at least ten days before each election; *and provided also*, that in case of the death, absence or refusal to serve of the persons herein named as clerk of said first election, a clerk shall be appointed by the inspectors or inspector, as the case may be; and in case of the death, resignation or refusal to serve of any persons elected from time to time as district clerk or inspector of election, or any disability preventing him or them, or either of them from serving, such district clerk or inspector shall and may be appointed by the board of commissioners, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act, except the first, the district clerk shall act as poll clerk. Election when and how held. Proviso. Proviso.

6. *And be it enacted*, That the said board of commissioners, who shall be appointed and elected as hereinbefore provided, shall before entering on the duties of their office, and within five days after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws Commissioners must take oath.

of this state to administer an oath; that they will faithfully discharge the duties of said office; and in case any commissioner appointed or elected under this act, shall fail or omit to take such oath, or shall die, or decline to serve at any time, his place shall be filled by the remaining commissioners for his unexpired term, said commissioners shall after taking such oath meet in some place to be designated by them, and organize by electing a chairman from among themselves, and such other officers as they may deem necessary; as soon as they shall have thus been organized they shall be, and become for all intents and purposes the board of commissioners provided for, and contemplated by said original act, and its supplements clothed with all the powers, and subject to all the duties thereby given or imposed.

Vacancies, how filled.

Hotels must keep registry of servants.

7. *And be it enacted*, That proprietors of hotels, inns and taverns in said district, shall on being notified by the chairman of the board of commissioners, in writing, keep a registry of the names of their servants during the months of June, July, August and September, of each and every year, their places of residence, their occupation, male or female, white or colored, when hired and discharged or left, which said register shall at all times be open for the inspection of the marshal of the district or his assistants; and in case of the neglect or refusal of said proprietors or their agents to produce said register when requested, they shall be liable to a fine of twenty-five dollars.

Annual statement.

8. *And be it enacted*, That said commissioners shall render to said inhabitants full and detailed statements of all moneys collected and expended by virtue of the provisions of this act, on the day of each election for officers under said act, before said election takes place, and by publishing at least one week before said election a synopsis of said statement in one newspaper published in said district.

Repealer.

9. *And be it enacted*, That all parts of said original act and its supplements, which are inconsistent with the provisions of this act, shall be and the same are hereby repealed.

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

Approved March 31, 1869.

CHAPTER CCCLXXIV.

An Act to facilitate the formation of Companies to dig and cut Peat, Stone and other articles.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when five or more persons, citizens of this state, shall desire to become associates in a company for the purpose of cutting and digging peat, stone or other articles requiring to be cut or dug, and to deal in the same in their natural, artificial or manufactured state, it shall be lawful for them to make, sign and seal a certificate, setting forth what particular article they propose to deal in, the places where and the name under which they propose to carry on their business, the names of the persons composing the association, with their places of abode, the amount of capital stock of the concern, the price of each share of stock, and the number of shares subscribed for by each associate, and to make acknowledgment thereof in due form before a master in chancery of this state, and to file the same, or a duplicate thereof, in the office of the secretary of state of this state; and thereupon the said associates shall thenceforth be a body politic and corporate in law, for the period to be mentioned in such certificate, and shall possess and may exercise all the powers and rights of corporations under the laws of this state, so far as may be necessary for the purposes of such company as set forth in the said certificate, and for no other purpose whatever. Formation of companies for certain purposes, and proceedings thereon.

2. *And be it enacted*, That the period to be mentioned in such certificate shall in no case exceed twenty-one years from the date of the certificate. Limitation of period.

3. *And be it enacted*, That if said company shall at any time desire to increase the amount of their capital stock, they shall file with such secretary of state a certified copy of a resolution of the directors of said company authorizing such increase, and stating the amount thereof, and thereupon the company may increase their capital accordingly; but the capital stock shall in no case exceed two hundred thousand dollars. May increase capital stock.

4. *And be it enacted*, That said associates after the filing Directors, how elected.

of said certificate or a duplicate thereof as aforesaid, may elect from their number not less than five and not more than seven directors, who shall hold office for one year from the first day of May next after their election, and until others are chosen in their stead; and the directors may elect from among their number a president, and may appoint such other subordinate officers as the exigencies of the business of the company may require; and such board may make all necessary by-laws for the regulation of their business and for meetings and elections; *provided*, the same be not contrary to any law of this state.

Proviso.

Place of business, &c.

5. *And be it enacted*, That such company shall have their principal office in this state; that a majority of the directors shall be citizens of this state; that all elections for directors shall be held between the months of January and May in each year upon ten days' notice served upon each stockholder whose residence is known, or by publishing notice of such election for two weeks in some one or more newspapers printed in the county where the works of said company shall be carried on; that each stockholder shall be entitled to one vote for every share of stock owned by him, and that a majority of votes cast at any election shall elect the persons for whom such majority is cast.

Transfers of stock.

6. *And be it enacted*, That any board of directors under this act may regulate, by resolution or by-law, the manner of signing, issuing and transfering stock of the company, but no transfer of any stock shall be lawful until the same is entered on the books of the company.

No stock issued for property unless required for use.

7. *And be it enacted*, That it shall not be lawful to issue any stock of any such company in payment of any estate, real or personal, unless the same be required for the business of the said company, and then only by a vote of the board of directors; and that no stock shall be issued under this section at a rate of value less than the par value of the same.

Pay state assessment.

8. *And be it enacted*, That before any company organized under this act shall commence the business for which they are organized, they shall pay to the treasurer of this state such sum of money for the benefit of the school fund as would be required of them by an act entitled "An Act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, in case an act of incorporation for such company had been granted by the legislature of this state.

9. *And be it enacted*, That the legislature of this state may at any time modify, amend or repeal this act.

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

Approved March 31, 1869.

CHAPTER CCCLXXV.

An Act for the relief of James Batson, of the County of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to James Batson, of the county of Morris, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and sixty-nine. Pension to be paid.

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

Approved March 31, 1869.

CHAPTER CCCLXXVI.

An Act for the relief of John Lafaucherie, of the county of Mercer, a soldier of the war of eighteen hundred and twelve.

Pension increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to John Lafaucherie, of the county of Mercer, who was a soldier of the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each, in place of the pension now allowed him by law, the first payment to be made on the first day of May, eighteen hundred and sixty-nine.

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

Approved March 31, 1869.

CHAPTER CCCLXXVII.

A Further Supplement to an act entitled "An Act to incorporate the Newton Library Association," approved April second, eighteen hundred and sixty-seven.

Town may raise money for library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall lawful for the legal voters of the town of Newton, at any annual town meeting to be held in said town, to order to be raised such sum of money not exceeding five hundred dollars in any one year, as they or a majority of those voting at any such town meeting, may determine for the purpose of aiding "The Newton Library Association" in maintaining and keeping up its library

building and the library therein; and the money so ordered to be raised, shall be assessed by the assessor, and collected by the collector, of said town, in the manner other moneys ordered to be raised at such town meetings are assessed and collected, and the collector of said town, for the time being, shall pay over the said money when collected to the treasurer of the said association.

Approved March 31, 1869.

CHAPTER CCCLXXVIII.

A Supplement to "An Act Concerning Corporations," approved February fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all companies authorized by law to build and maintain turnpike roads in the county of Burlington, and to charge toll thereon, be and the same are hereby authorized to increase the tolls now allowed by law to be charged, so that with said increase the tolls charged shall not exceed one and one-half cents per mile for each horse or mule traveling thereon. Turnpikes may increase tolls.

2. *And be it enacted*, That all acts and parts of acts repugnant to or inconsistent with this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 31, 1869.

CHAPTER CCCLXXIX.

An Act to incorporate the Irvington and South Orange Horse Car Railway Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sanford B. Hunt, Allen L. Bassett, J. Warburton King, Theodore Mace, Henry Hannah, John Hunkele, James S. Edwards, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Irvington and South Orange Horse Car Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

Name.

Amount of capital stock.

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

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places, as they, or a majority of them may think proper; and as soon as the sum of fifteen thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose seven directors; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription book and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of hold-

Directors, how elected, and their powers.

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

Not dissolved by failure to elect.

4. *And be it enacted*, That the directors of the said corporation shall be seven, and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time on giving at least twenty days' notice in one or more newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Payment of installments.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company by such installments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation, and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stocks, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to es-

Proviso.

tablish and to fix such salaries to them and to the president, as to the said directors shall deem proper.

May construct and maintain a railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the town of Clinton, in the county of Essex, to some suitable point in the township of South Orange, in said county, and to locate and construct said railroad not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property, and when the route and location of said railroad shall have been determined upon and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineer, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided.

Consent of the township committee required.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway in the town of Clinton, except for the purpose of crossing the same, the said company shall not lay any rails along said street or highway, nor commence work for that purpose without first obtaining the permission of the common council or town committee of said town, and under such restrictions as the said common council may designate, to lay the same, and if said railroad shall be located on any public street or highway, except for the purpose of crossing the same in the townships of Clinton or South Orange, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committees of the respective townships, or a majority of them, to lay the same, which

consent shall be filed in the office of the clerk of the county of Essex; and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway along which the said road may be located.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands, and assess the damages upon such notice, not less than ten days to be given to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commisioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding) to meet at the time and place appointed and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall

be made in writing under the hands of said commissioners, or any two of them, and be filed within twenty days thereafter together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

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

the court shall direct, but such application shall not prevent the company from taking the said land, upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages; but in case the party or parties entitled to receive the amount assessed by the commissioners shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, shall be deemed valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or points shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad. Proviso. Proviso.

10. *And be it enacted*, That the president and directors of said company shall have the power to have constructed, or to purchase with the funds of the company, and place and use on such railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and ten cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, and four cents per mile for every passenger carried on Rates of transportation, &c. Proviso.

said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided, always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are; and that said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company are hereby vested in the said company and their successors, for and during the continuance of this charter.

Proviso.

Dividends.

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

May hold real and personal estate.

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding two acres in each place; and may erect and build thereon depots, houses, warehouses, stables and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams, canals or water courses as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Penalty for injury to works.

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

14. *And be it enacted*, That when so much of said road is

completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act. May run cars before completion.

15. *And be it enacted*, That as soon as the said railroad, or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons, as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Statement of cost to be filed.

16. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company free of charge during the year or years for which they are elected. Free passes.

17. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, con- May borrow money and secure the same by mortgage.

struct, or repair such road, and furnish the said company with all necessary rails, buildings, cars, vehicles and animals, for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease or consolidate with other companies.

18. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road or to consolidate with any other company, and after such lease or consolidation, such company may use and operate said road according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

Limitation.

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

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

Approved March 31, 1869.

CHAPTER CCCLXXX.

An Act to increase the Revenue of the State.

Assessment of taxes on corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, every private banker and broker, and every unin-

corporated banking and saving institution and express company doing business in this state, and all corporations incorporated by, or doing business in this state, except such as by some existing law do now pay an annual tax directly to the state treasurer for the use and benefit of the state, shall annually, on the first Monday of November of each year, make report to the comptroller, under oath or affirmation, setting forth the entire amount of net earnings or income received by said individual company or corporation from all sources during the preceding year; and upon such net earnings or income the said individual, company or corporation, as the case may be, shall pay to the treasurer for the use of the state, within sixty days thereafter, two per centum upon the annual net earnings or income, in addition to all other taxes paid by the said individuals, company or corporation; and in case any corporation, company or individual shall neglect or refuse to make the report required as above to the comptroller on or before the thirty-first of December each year, such corporation, company or individual, shall be liable to a penalty of ten per centum for such neglect, which shall be added to the amount of tax found due in the settlement of their account.

Annual statements from corporations.

Rate of taxation.

Penalty for neglecting to make report.

2. *And be it enacted*, That in the settlement of all accounts for taxes due the state under the preceding section of this act by corporations or individuals, the comptroller and state treasurer shall charge interest upon the balance or balances found due the state by such corporations or individuals, at the rate of twelve per centum per annum from the time said taxes became due and payable, to the time of the settlement of the same; and all balances due the state by the corporations or individuals aforesaid on accounts settled agreeably to the provisions of the act of March thirtieth, one thousand eight hundred and eleven, or any other act of the legislature, shall bear interest from sixty days after date of settlement; *provided*, that the payment of interest, as aforesaid, shall not relieve said corporations or individuals from any of the penalties prescribed for neglect and refusal to furnish reports to the comptroller.

State may charge interest on balances due.

Proviso.

3. *And be it enacted*, That the comptroller and state treasurer are hereby authorized to examine the books and papers of any corporation, association, company, private banker or broker, to verify the accuracy of any return made to them, or either of them, under the provisions of this act; and the

Officers empowered to examine books and papers of corporations.

governor may appoint agents, not more than two in number, whose entire compensation shall not exceed three thousand dollars per annum, who, upon his requisition or that of the comptroller, approved by the governor, are hereby authorized to examine the books and papers of any corporation, association, company, private banker or broker, to verify the accuracy of any return made under the provisions of this act as aforesaid.

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

Approved March 31, 1869.

CHAPTER CCCLXXXI.

A Further Supplement to the act entitled "An Act to prevent Gaming."

Gymnasium may be erected by any college.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act entitled "A supplement to an act to prevent gaming," approved March fifth, eighteen hundred and fifty-three, shall be construed to forbid the erecting and maintaining of a gymnasium under the authority of the trustees of any college, with such appliances for physical exercise and development as said trustees may in their discretion see fit to introduce therein.

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

Approved March 31, 1869.

CHAPTER CCCLXXXII.

A Supplement to the act entitled "An Act to facilitate Judicial Proceedings in the County of Bergen," approved March tenth, eighteen hundred and sixty-eight.

Salary of judge

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the judge for the county of Bergen, to be appointed as authorized by the first section of the said act to which this is a supplement, shall hereafter be the sum of one thousand dollars per annum, to be paid to him as provided in said first section, instead of fifteen hundred dollars per annum, as heretofore.

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

Approved March 31, 1869.

CHAPTER CCCLXXXIII.

Supplement to an act entitled "An Act to ascertain the rights of the state and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state," approved April eleventh, eighteen hundred and sixty-four.

Exterior bulk heads and pier lines determined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bulkhead line or lines of solid filling and the pier lines in the tide-waters of the Hudson river, New York bay, and Kill Von Kull, lying between Enyard's dock, on the Kill Von Kull and the New York state line, so far as they have been recommended and reported to the legislature by the commissioners appointed under the original act, of which this is a supplement, by re-

port bearing date February first, eighteen hundred and sixty-five, are hereby adopted and declared to be fixed and estab-tablished, as the exterior bulkhead and pier lines between the points above named, as such exterior bulkhead and pier lines, so fixed, established, and adopted, are shown upon the manuscript maps, accompanying said report, and filed in the office of the secretary of state, except said lines drawn on said maps over or upon lands within the boundaries of the grant made to the Morris Canal and Banking Company, by act approved March fourteenth, eighteen hundred and sixty-seven.

Unlawful to fill in beyond these lines.

2. *And be it enacted*, That it shall not be lawful to fill in with earth, stones or other solid material, in the tidewaters of the Hudson river, New York bay and Kill Von Kull, beyond the bulkhead line or lines of solid filling by this act adopted, fixed and established, laid down and exhibited on the aforesaid maps; and that it shall not be lawful to erect or maintain any pier or other structure exterior to the said bulkhead line or lines of solid filling in any place or places where no exterior line for piers is reported or indicated by said maps, on the Hudson river, New York bay and Kill Von Kull; and that when an exterior line for piers is recommended and shown by said report and maps, no erection or structure of any kind shall hereafter be erected, allowed or maintained beyond or exterior to the aforesaid bulkhead line or lines of solid filling, except piers which shall not exceed one hundred feet in width respectively, and which shall in no case extend beyond the line indicated for piers on said maps accompanying said report; and no piers shall hereafter be constructed in said tidewaters, when such exterior pier lines are adopted, fixed and established, at less intervals between such piers than seventy-five feet, except at places occupied and used for ferries, or to be so occupied or used, when the spaces between the piers may be less; nor shall any such pier be constructed in any other manner than on piles or on blocks and bridges; and if on blocks and bridges, such blocks and bridges shall not occupy more than one-half of the length of the pier, and they shall be so constructed as to permit a free flow or passage of water under and through them, without any other interruption or obstruction than the pile or blocks necessary to support said piers.

Unlawful to erect pier.

How piers may be constructed.

Repealer.

3. *And be it enacted*, That the act entitled "An Act to authorize the owners of lands upon tidewaters to build wharves

in front of the same," approved March eighteenth, eighteen hundred and fifty-one, be and the same is hereby repealed, as to the tidewaters of the Hudson river, New York bay and Kill Von Kull, below the line of mean high tide; but said repeal shall not be construed to restore any supposed usage, right custom, or local common law, founded upon the tacit consent of the state, or otherwise to fill in any land under water below mean high tide; and without the grant or permission of said commissioners, no person or corporation shall fill in, build upon, or make any erection on, or reclaim any of the land under the tidewaters of this state in New York bay, Hudson river, or Kill Von Kull; and in case any person or corporation so offending, shall be guilty of a purpresture, which shall be abated at the costs and expense of such person or corporation, on application of the attorney-general, under decree of the court of chancery, or by indictment in the county in which the same may be, or opposite to and adjoining which said purpresture may be; *provided, however*, that neither this section, nor any provision in this act contained, shall in any wise repeal or impair any grant of land under water or right to reclaim made directly by legislative act, or grant or license power or authority, so made or given, to purchase, fill up, occupy, possess and enjoy lands covered with water fronting and adjoining lands owned, or authorized to be owned, by the corporation, or grantee or licensee, in the legislative act mentioned, its, his or their representatives, grantee or assigns, or to repeal or impair any grant, or license, power or authority to erect or build docks, wharves and piers opposite and adjoining lands owned, or authorized to be owned, by the corporation, or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantees or assigns heretofore made, or given directly by legislative act, whether said acts are or are not repealable, and as to any revocable license given by the board of chosen freeholders of a county to build docks, wharves, or piers, or to fill in or reclaim any lands under water in the said New York bay, Hudson river, or Kill Von Kull, the same shall be irrevocable, so far as the land under water has been reclaimed or built upon under such license, at the time that this act takes effect; but as to the future, such revocable license is hereby revoked, and no occupation or reclamation of land under water, without such legislative act, or revocable license, shall divert the title of

No person or corporation shall fill in, &c., without grant of commissioners.

Proviso.

the state, or confer any rights upon the party who has reclaimed, or who is in possession of the same.

Proceedings when any person or corporation desires a covenant in regard to lands under water from the state

4. *And be it enacted*, That in case any person or corporation who by any legislative act, is a grantee or licensee, or has such power or authority, or any of his, her or their representatives or assigns shall desire a paper capable of being acknowledged and recorded, made by and in the name of the state of New Jersey, conveying the land in the proviso to the third section mentioned whether under water now or not, and the benefit of an express covenant, that the state will not make or give any grant or license power, or authority affecting lands under water in front of said lands, then and in either of such cases, such person or corporation, grantee or licensee, having such grant and license, power or authority, his, her or their representatives or assigns on producing a duly certified copy of such legislative act to said commissioners, and in case of a representative or assignee also satisfactory evidence of his, her or their being such representative or assignee, and requesting such grant and benefits as in this section mentioned, shall be entitled to said paper so capable of being acknowledged and recorded, and granting the title and benefits aforesaid, on payment of the consideration hereinafter mentioned; and the said commissioners or any two of them, with the governor and attorney general for the time being, to be shown by the governor signing the grant, and the attorney general attesting it, shall and may execute and deliver and acknowledge in the name and on behalf of the state, a lease in perpetuity to such grantee or licensee or corporation having such grant, license, power or authority, and to the heirs and assigns of such grantee or licensee, or to the successors and assigns of such corporation, upon his, her or their securing to be paid to the state an annual rental of three dollars for each and every lineal foot measuring on the bulkhead line, or a conveyance to such grantee or licensee or corporation having such grant, license, power or authority, and to the heirs and assigns of such grantee or licensee, or to the successors and assigns of such corporation in fee, upon his, her or their paying to the state fifty dollars for each and every lineal foot measuring on the bulkhead line, in front of the land included in said conveyance; *provided*, that no corporation to whom any such grant, license, power or authority was given by legislative act as aforesaid, in which provision was made

Proviso.

for the payment of money to the treasurer of the state for each and every foot of the shore embraced and contained in the act; nor the assigns of such corporation shall be entitled to the benefits of this section; *and provided further*, that the said commissioners shall in no case grant lands under water beyond the exterior lines hereby established, or that may be hereafter established, but the said conveyance shall be construed to extend to any bulkhead or pier line further out on said river and bay that may hereafter be established by legislative authority; in case any person or corporation taking a lease under this section, shall desire afterwards a conveyance of all or any part of the land so leased, the same shall be made upon payment of the said sum of fifty dollars for every such lineal foot, as aforesaid, of the land so desired to be conveyed, the conveyance or lease of the commissioners under this or any other section of this act, shall not merely pass the title to the land therein described, but the right of the grantee or licensee, individual or corporation, his, her or their heirs and assigns, to exclude to the exterior bulkhead line, the tidewater by filling in or otherwise improving the same, and to appropriate the land to exclusive private uses, and so far as the upland from time to time made shall adjoin the navigable water, the said conveyance or lease shall vest in the grantee or license, individual or corporation, and their heirs and assigns, the rights to the perquisites of wharfage, and other like profits, tolls and charges. Proviso.

5. *And be it enacted*, That no grant hereafter made, extending beyond the line of high-water mark, shall be in force or operation as to so much thereof as extends below said line of high-water mark, until the grantee or grantees shall have paid into the treasury of the state such compensation or rentals, or secured to the state such payment or rentals for the estate in the lands lying below the said line of mean high water mark, contained in and conveyed by such grant or lease as is hereinafter provided. No grant in force until compensation or rentals are secured.

6. *And be it enacted*, That four commissioners shall be appointed by the governor, by and with the advice and consent of the senate, who are hereby required and empowered to complete as much of the details of the work assigned to them by such original act, by surveys and otherwise, on the Hudson river, New York bay, and Kill Von Kull, as in their judgment the interest of the state requires. Commissioners, how appointed.

7. *And be it enacted*, That all the powers and duties of the

Powers of commissioners.

said commissioners, contained in the act to which this is a supplement, be and the same are hereby continued in force, except so far as the same are superseded or modified by any of the provisions of this act.

Proceedings when any person or corporation desire a grant for lands under water.

8. *And be it enacted*, That if any person or persons, corporation or corporations, or associations, shall desire to obtain a grant for lands under water which have not been improved, and are not authorized to be improved under any grant or license protected by the provisions of this act, it shall be lawful for any two of the said commissioners concurring, together with the governor and attorney general of the state, upon application to them, to designate what lands under water for which a grant is desired lie within the exterior lines, and to fix such price, reasonable compensation, or annual rentals for so much of said lands as lie below high water mark, as are to be included in the grant or lease for which such application shall be made, and to certify the boundaries, and the price, compensation, or annual rentals to be paid for the same, under their hands, which shall be filed in the office of the secretary of state; and upon the payment of such price or compensation or annual rentals, or securing the same to be paid to the treasurer of this state, by such applicant, it shall be lawful for such applicant to apply to the commissioners for a conveyance, assuring to the grantee, his or her heirs and assigns, if to an individual, or to its successors and assigns, if to a corporation, the land under water so described in said certificate; and the said commissioners shall, in the name of the state, and under the great seal of the state, grant the said lands in manner last aforesaid, and said conveyance shall be subscribed by the governor and attested by the attorney general and secretary of state, and shall be prepared under the direction of the attorney general, to whom the grantee shall pay the expense of such preparation, and upon the delivery of such conveyance, the grantee may reclaim, improve, and appropriate to his and their own use, the lands contained and described in the said certificate; subject, however, to the regulations and provisions of the first and second sections of this act, and such lands shall thereupon vest in said applicant; *provided*, that no grant or license shall be granted to any other than a riparian proprietor, until six calendar months after the riparian proprietors shall have been personally notified in writing by the applicant for such grant or license, and shall have neglected to apply

for the grant or license, and neglected to pay, or secured to be paid, the price that said commission shall have fixed; the notice in the case of a minor shall be given to the guardian, and in case of a corporation to any officer doing the duties incumbent upon president, secretary, treasurer or director, and in case of a non-resident, the notice may be by publication for four weeks successively in a daily newspaper published in Hudson county, and in a daily newspaper published in New York City.

Compensation to commissioners.

9. *And be it enacted*, That the same compensation for the time and personal expenses of said commissioners shall be allowed and paid as heretofore, and all other expenditures to be incurred by the said commissioners in the prosecution and completion of their works contemplated by the original act and this supplement, shall not exceed the sum of five thousand dollars annually, which sum is hereby appropriated out of any money in the treasury not otherwise appropriated, to be subject to the draft of said commissioners, and shall be paid upon the warrant of the comptroller, upon satisfactory vouchers being produced of such expenditures made or incurred.

Proceeds of sales, how applied.

10. *And be it enacted*, That the moneys so received from the sales and rentals of the said lands under water shall be first appropriated to the payment of such appropriation as the legislature may authorize from time to time, then to the payment and liquidation of the state debt, and afterwards the same shall be invested according to law, and the interest thereof be annually paid over to the trustees of the school fund, to be appropriated by them towards the maintenance of free schools.

Commissioners shall take oath.

11. *And be it enacted*, That the said commissioners shall take and file in the office of the secretary of state, an oath, well, truly and faithfully to perform the duties of their appointment before entering upon their said duties.

May commence proceedings for trespass.

12. *And be it enacted*, That the said commissioners may commence proceedings in the name of the state of New Jersey, by ejectment or otherwise, against persons and corporations trespassing upon or occupying the lands of the state under water, or which were heretofore under water, and the attorney general of the state is hereby required to commence and prosecute such actions as may be instituted or directed by the said commissioners; and his expenses and disbursements, and the expenses and disbursements of such assistants as may be ap-

pointed by the governor, and their reasonable charges and counsel fees shall be taxed by the chief justice and paid by the treasurer, on presentation of the bill so taxed.

Right of riparian owner must be extinguished.

13. *And be it enacted*, That in any case where a grant of the lands of the state under water is made by the commissioners, to any person other than the riparian owner that the state's grantee shall not fill up or improve said lands under water until the rights and interest of the riparian owner in said lands under water (if any he has) shall be extinguished, as follows: the said commissioners shall fix the amount to be paid to said riparian owner for his rights and interest therein (if any he has), and said riparian owner shall have the right, within twenty days after he has been notified of said amount, to accept said sum in full extinguishment of all his rights, or if he is dissatisfied with said award he may apply to the supreme court at the next term thereafter for a struck jury to try the question in such place as may be designated by said court, and said jury may increase or diminish the amount to be paid the said riparian owner, and their verdict shall be final as to said amount, and on the payment or tender by the state's grantee to the riparian owner of the amount fixed by said jury all the rights and interest of said riparian owner in the lands of the state under water in front of his land shall be extinguished; that the costs of the trial shall be paid as follows: if the verdict of the jury is greater than the award of the commissioners then the state shall pay the costs of the trial, if the verdict is the same as the award or less than the award of the commissioners then the riparian owner shall pay the costs.

May appeal.

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

Approved March 31, 1869.

CHAPTER CCCLXXXIV.

A Supplement to an act to divide the Township of Willingborough, in the County of Burlington, into two Townships, approved March first, eighteen hundred and fifty-nine.

Change of boundary line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of an act entitled "An Act to divide the township of Willingborough, in the county of Burlington, into two townships," approved March first, eighteen hundred and fifty-nine, as describes the division of said townships is hereby repealed, and the said line shall hereafter be the centre of said turnpike, instead of the southerly line thereof.

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

Approved March 31, 1869.

CHAPTER CCCLXXXV.

A Supplement to the act entitled "An Act to incorporate the Middlesex and Monmouth Turnpike Company," approved March thirteenth, eighteen hundred and sixty-three.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the Middlesex and Monmouth Turnpike Company," approved March thirteenth, one thousand eight hundred and sixty-three, shall be and is hereby extended and continued for the term of two years from and after the time limited for its continuance by the aforesaid act.

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

Approved March 31, 1869.

CHAPTER CCCLXXXVI.

An Act to enable the United Companies to improve lands under water at Kill Von Kull and other places.

Preamble. WHEREAS, the United Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, have recently secured to this state the payment of five hundred thousand dollars for the grant of lands under water, in front of lands owned by them, and are desirous of having the right and privilege of erecting and making wharves, piers and other improvements in front of other lands now owned by or in trust for them, so that they may safely make such improvements as they may find necessary to facilitate their business; therefore,

Authorized to reclaim and erect wharves 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said United Companies shall be and they are hereby authorized to reclaim and erect wharves and other improvements in front of any lands now owned by or in trust for them, or either of them, or by any company in which they now hold the controlling interest, adjoining Kill Von Kull or any other tide waters of this state; and when so reclaimed and improved to have, hold, possess and enjoy the same as owners thereof; *provided*, that such improvements shall be subject to the regulations (where applicable) as to the line of solid filling and as to pier lines heretofore recommended in the report of the commissioners made and filed under the act entitled "An act to ascertain the rights of the state and of the riparan owners in the lands lying under the waters of the bay of New York and elsewhere in this state," approved April eleventh, eighteen hundred and sixty-four, but neither said improvements nor those which may be made by said companies in Harsimus Cove shall be subject to any other restrictions than those contained in said report; *and provided further*, that the said United Companies shall, on or before the first day of July next, pay to the treasurer of this state the further sum of twenty thousand dollars in full satisfaction for the right and privilege hereby granted; *and provided further*, that the said United

Proviso.

Proviso.

Proviso.

Companies shall on or before the said first of July, file in the office of the secretary of state a map and description of the lands under water in front of the upland referred to in this section.

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

Approved March 31, 1869.

CHAPTER CCCLXXXVII.

An Act to incorporate the Trenton Woolen Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Weatherby, Augustus G. Richey, Theodore Emery, John Taylor, Henry Ivey, Ferdinand W. Roebling, Symmes H. Reading, and the survivors of them, and all such persons as may be hereafter associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Trenton Woolen Company," for the purpose of spinning, manufacturing and weaving articles and fabrics, consisting in whole or in part, of silk, cotton, linen, wool and other materials, and of buying, selling and dealing in the same, and of carrying on the business incident thereto; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall be capable of contracting and being contracted with, sueing, pleading, defending and answering, and being sued, impleaded, defending and answered unto, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, receive, have, hold and enjoy, and lease, sell, mortgage, or otherwise dispose of such

Corporators.

Name and object.

May purchase and hold real estate.

personal or real estate as may be necessary or useful for the said corporation to carry on the manufacturing and other operations before mentioned; *provided, always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Proviso.

Election of directors.

2. *And be it enacted*, That the property and affairs of said company shall be managed and conducted by a board of seven directors, a majority of whom shall be residents of the state of New Jersey, and being stockholders (one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen by ballot on the second Tuesday in January of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previously, in one or more newspapers printed in the county of Mercer; and each stockholder shall, at such election, be entitled in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving, in such elections, the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been had, and the directors so chosen shall appoint a president out of their own number, and may appont such other officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such persons as the remainder of the directors for the time being, shall appoint to fill such vacancies, and if at any time or for any cause, it shall happen that no election of directors shall be held or made at the time herein appointed, the corporation, for that cause, shall not be deemed to be dissolved, but the directors for the time being, shall continue in office until an election shall be regularly held according to the requirements of the by-laws of said corporation in that behalf, or of this act, and the persons named in the first section of this act shall constitute the first board of directors.

Not dissolved by failure to elect

Powers and duties of the directors.

3. *And be it enacted*, That a majority of the directors from time to time shall form a board for transacting the business of the company, and may make such by-laws, rules and regu-

lations as they may deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the company, not contrary to the constitution and laws of this state or of the United States, but no dividends shall be declared or paid except from the actual net profits of said corporation, and that no transfer of stock shall be valid until the same be entered in the books kept by said company for that purpose.

Principal office, where located.

4. *And be it enacted*, That the said company may carry on their business at any place in the county of Mercer, and may establish their principal office at such place as they shall deem proper, and may change the location thereof from time to time, as the directors of said company may deem to be for the interest thereof; *provided*, that the said company shall always maintain an office in this state, at which process may be served on the said company, and the service of any process at said office, or upon any director of the said company, resident in this state, shall be deemed and taken to be legal service of such process.

Proviso.

Amount of capital stock.

5. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and said shares and all other shares of stock issued by said company shall be deemed to be personal property; and that said company may increase their capital stock from time to time, and may issue shares accordingly, but such stock shall at no time exceed in amount the sum of five hundred thousand dollars.

Books of subscription to be opened.

6. *And be it enacted*, That books of subscription to said capital stock may be opened under the direction of the board of directors herein named, or some one of them to be designated for that purpose by said board, and at such time and place as the board may appoint, and shares may be issued accordingly to the subscribers thereof when paid in full, or in such proportion as the board of directors may direct: as soon as fifty thousand dollars capital shall be paid in it shall be lawful for said corporation to commence and carry on business under this act.

Payment of installments.

7. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them, from time to time, to demand from the stockholders, or others subscribing for the stock, all sums of money subscribed to said capital stock, and to any increase of the same under this act, in such proportion and at such times as they may deem proper, and if

such payments shall not be made within thirty days after the day fixed for that purpose, fifteen days' notice of the time and place of meeting being first published in one or more of the newspapers published in the county of Mercer, designating the person to whom the same may be paid, such board may declare forfeited and forfeit to said company all instalments paid on such subscriptions, and all right to the shares so subscribed for.

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation, and each stockholder shall be entitled to free access thereto, at all proper and reasonable hours, for the purpose of examining the same.

How dissolved

9. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned especially for that purpose by the board of directors, or a majority of them, giving thirty day's notice of such meeting in a newspaper published in said county, at least once a week during such period; *provided*, three-fourths in value of the stockholders be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts; and in paying such debts, preference shall, in all cases, be made in favor of the employees of said corporation, to the extent of two months wages each, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting, shall appoint other persons, not less than three nor more than five in number for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Proviso.

Limitation.

10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of ninety-nine years from the time of its passage; *provided*, *nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it.

Proviso.

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

Approved March 31, 1869.

CHAPTER CCCLXXXVIII.

Supplement to the act entitled "An Act concerning Roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the surveyors of the highways when duly appointed for that purpose under the act concerning roads, to extend in length any street in the town of Somerville, in the county of Somerset, and such extension when so made and laid out may be of the same width as the original street so extended, although the same may be more than four rods in width; *provided*, that the proceedings of the said surveyors shall in all other respects be in conformity with existing laws relating to the laying out of roads and the assessments of damages thereon. Power to extend streets. Proviso.

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

Approved March 31, 1869.

CHAPTER CCCLXXXIX.

An Act supplementary to an act entitled "An Act to revise and amend the charter of the town of Lambertville."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the penalties now imposed for a violation of the ordinances of the common council of the town of Lambertville, it shall and may be lawful for the common council to prescribe a further penalty of imprisonment not exceeding sixty days in the common jail of the county of Hunterdon; and the sheriff or keeper of said jail is hereby required to receive into said jail and safely keep any person or persons committed to said jail in due form of law by the mayor or any justice of the peace Penalties for violation of ordinances.

of said town, for the violation of any of the ordinances of the common council of said town.

Mayor or justice of the peace may issue warrants for offenders.

2. *And be it enacted*, That the mayor or any justice of the peace of said town shall be empowered on oath or affirmation made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of this town, to issue a process either in the nature of a warrant or summons against the person or persons so charged, which said warrant or summons shall be executed and returned in the same manner as directed by the thirty-sixth section of the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this shall be deemed and taken as a public act, and shall take effect immediately.

Approved March 31, 1869.

CHAPTER CCCXC.

A Further Supplement to "An Act authorizing the appointment of Commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris Canal, in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven.

Powers of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said commissioners or a majority of them shall have power and authority, and are hereby empowered, to alter or change the width, course, names and location of any of the streets, avenues and squares laid down on the map of said township, to lay out new streets or parts of new streets and avenues, to vacate streets or avenues or parts of streets and avenues, now opened or laid out, where and when new streets and avenues, when opened, would clearly be a public benefit and improvement, to erect as many monuments and no more as will serve to locate clearly and with

facility the several streets and avenues of said township; *provided*, such changes, alterations and improvements are requested in writing by any property owners.

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

Approved March 31, 1869.

CHAPTER CCCXCI.

A Further Supplement to an act entitled "An Act respecting the Court of Chancery," approved April sixteenth, eighteen hundred and forty six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the surplus money arising from the sale of mortgaged premises, in cases where the mortgagor or person owning the mortgaged premises, shall be deceased, at the time of sale, may if in the opinion of the chancellor the same shall be expedient or necessary for the proper administration of the estate, to be paid to the administrator or administrators, executor or executors of said deceased, to be administered in the same manner as money arising from the sale of real estate made by administrators or executors; *provided*, said administrator or administrators, executor or executors shall enter into bond as now required by law, upon their application for the sale of real estate. Surplus money, to whom paid. Proviso.

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

Approved March 31, 1869.

CHAPTER CCCXCII.

A Supplement to the "Act appointing commissioners to lay out streets, avenues and squares in the city of Elizabeth," approved March thirteenth, eighteen hundred and sixty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be and the same is hereby repealed; *provided*, that that the action of the said commissioners, and the streets, squares and avenues, and the lines, profiles and maps by them established and filed shall be final and conclusive, unless vacated, altered, revised or amended by the city council of the city of Elizabeth by resolution; *and provided, further*, that the said city council shall have power to vacate, alter, revise or amend the same, only on the application in writing of any person affected and aggrieved thereby, said application to be made to the said city council on or before the first day of October next, and not thereafter; *and provided, further*, that if the city council shall, before the first day of October next, take proceedings to open or vacate any street, avenue or square laid out or vacated by the said commissioners, objections, if any exist, shall be then made and not afterwards; *and provided, further*, that the lines of Jefferson avenue from the track of the Central Railroad Company of New Jersey to Elizabeth avenue, and of Washington avenue from Grove streets to the southerly line of St. Mary's cemetery, as altered by the said commissioners, be and the same are hereby annulled, and the old lines thereof re-established until altered in accordance with the provisions of the present city charter as regards taking grave-yard property for public improvements.

Proviso.

Proviso.

Proviso.

Council may widen streets and establish grades.

2. *And be it enacted*, That the city council shall have the power to widen any street in the said city without altering the course and direction thereof, and to establish grades or a system of grades for the streets and avenues in said city under the restrictions and in the manner prescribed by the "Act to revise and amend the charter of the city of Eliza-

beth," approved March fourth, eighteen hundred and sixty-three.

3. *And be it enacted*, That whenever the city council shall make any amendment, revision or alteration, or widen any street, they shall cause the same to be distinctly marked upon the maps filed by the commissioners appointed in the act to which this is a supplement. Alterations to be marked on maps.

4. *And be it enacted*, That the city council shall have power to open any street in said city as laid out by said commissioners, or as altered by said council under this act, and for that purpose to take and appropriate any lands or real estate necessary therefor, and to appoint commissioners to assess the damages thereof, as provided in the "Act to revise and amend the charter of the city of Elizabeth; and also to vacate such streets and such parts thereof as may be vacated or altered by them under this act. Council may open streets.

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

Approved March 31, 1869.

CHAPTER CCCXCIII.

A Supplement to an act entitled "An Act to incorporate the Paterson and Newark Railroad Company," approved March seventh, eighteen hundred and sixty-four.

WHEREAS, the Paterson and Newark Railroad Company have made and entered into certain leases and contracts with the Erie Railway Company, for the operation and use of their railroad and its branches, after the same shall have been constructed, and all doubts as to the legal validity of such leases and contracts ought to be removed; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power and authority of the said the Paterson and Newark Railroad Company and the said Erie Railway Company, to make such leases and contracts, is hereby declared and affirmed, and said leases and Acts and proceedings legalized.

contracts, and all contracts hereafter to be made further to carry out the same, are hereby declared legal and valid; *provided*, that said leases and contracts made or to be made, shall not be held to grant any power, privilege or right, not granted to said companies respectively by their charters, and the supplements thereto.

Proviso.

Meetings of directors may be held in New York.

2. *And be it enacted*, That it shall be lawful for the board of directors of the said the Paterson and Newark Railroad Company to hold their meetings in the city of New York.

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

Approved March 31, 1869.

CHAPTER CCCXCIV.

An Act ratifying the sale of the Union Methodist Episcopal Church of Berlin, New Jersey.

Preamble.

WHEREAS, James Dill, Edward Wright, and others, did purchase property and erect thereon the house known as the Union Methodist Episcopal Church, for the use of the society known as the Methodist Episcopal Church at Longacoming, (now Berlin,) as trustees and their successors in trust; and whereas, the said successors did, in the year anno domini one thousand eight hundred and sixty-seven, become incorporated under the general act for such cases, under the name of the Centenary Methodist Episcopal Church of Longacoming, (now Berlin,) made and provided; and did purchase property and erect a house thereon for the use of said society, and were left with an embarrassing debt upon the same; and whereas, the pastor, trustees and members of the church and congregation did recommend the sale of the old or Union church property, in part payment of the said debt; and whereas, they, the said trustees, successors, and so forth, and trustees of the Centenary Methodist Episcopal Church of Berlin, (late Longacoming,) did sell and convey the aforesaid property,

by their president, Joseph L. Thackara, to William S. Kain, Chalkley Haines and others, in trust, and so forth, to and for the use of the West Jersey Baptist Association; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sale of the Union Methodist Episcopal Church property of Berlin (late Longacoming), to William S. Kain and others, as above set forth, is hereby ratified and confirmed. Sale ratified.

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

Approved March 31, 1869.

CHAPTER CCCXCV.

An Act to authorize the Trustees of the Methodist Episcopal Church at Cookstown, to sell and convey certain real estate.

WHEREAS, Ezekiel J. Sexton, James C. Sexton and John Decamp, "The Trustees of the Methodist Episcopal Church at Cookstown," in the township of New Hanover, and county of Burlington, in this state, by their petition have set forth that William Pancoast, on the eighth day of January, eighteen hundred and forty-eight, by his deed did convey unto the then trustees of said church, and to their successors a certain lot of land in said township, known as the Methodist meeting house lot, in the village of Cookstown, in trust for the uses and purposes in said deed mentioned, upon which lot the said trustees had then erected a house of worship, which has been used by the members of said church until near the close of the past year; that the religious society worshipping in said house was incorporated on the sixth day of November, eighteen hundred and forty-seven, as prescribed by law, and having purchased a lot of land near the centre of said village and thereon built a new and commodious church for their use, they are now Preamble.

desirous of selling the old church and lot to aid in defraying the expenses of the new; but that by reason of the nature of said trust, there may be doubts whether a good and sufficient title can be made to the purchaser of the same; therefore,

Trustees authorized to sell church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Cookstown are hereby authorized and empowered to sell, at public or private sale, all that lot of land and premises with the appurtenances, which was conveyed by William Pancoast to Ezekiel J. Sexton, William S. Rue and Anthony Taylor, the trustees of the Methodist Episcopal Church at Cookstown, and to their successors in trust, for the uses and purposes in said deed mentioned, and to execute and deliver to the purchaser thereof a good and sufficient deed for the same, under the hands and seals of the trustees of said corporation, or a majority of them, by which such purchaser, his heirs and assigns shall hold the same, to his or their own use, free and clear and absolutely discharged from all trusts whatsoever upon which the same was held as aforesaid; and the purchase money paid by such purchaser when received by said trustees, shall be appropriated towards defraying the expenses incurred in building the said new church.

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

Approved March 31, 1869.

CHAPTER CCCXCVI.

An Act to appoint Harbor Masters and Inspectors.

Appointment of harbor masters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, by and with the advice and consent of the senate, shall appoint two harbor masters, who shall hold their offices, respectively, for three years, and in case any harbor master so appointed shall die

or resign, or in any other way be disqualified to act, it shall be the duty of the governor forthwith to fill such vacancy, and the person so appointed shall hold such office until the next session of the legislature; and such harbor masters shall have authority to regulate and station all ships and vessels in the bay of New York, or in the North river, within the limits of Jersey City and Hoboken, and the wharves thereof, and to remove from time to time, such ships and vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving and discharging cargoes; as to the fact of their being fairly and bona fide employed in receiving and discharging their cargoes, the said harbor masters, or either of them is hereby constituted the sole judge; the said harbor masters, or either of them, shall have authority to determine how far, and in what instances, it is the duty of masters and others, having charge of ships and vessels, to accommodate each other in their respective situations, and if any master or other person, having charge of any ship or vessel, shall refuse or neglect to obey the directions of the said harbor masters, or either of them, in matters within their authority to direct, or if any person shall resist or oppose the said harbor masters, or either of them, in the execution of the duties of their office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the treasurer of the state, before any court having cognizance thereof; all which fines, when collected, shall be paid to said treasurer; and the said harbor masters shall have power to demand and receive from the commanders, owners and consignees, or either of them, on all ships or vessels of the United States, and on all ships or vessels of any foreign nation that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, and which shall enter the bay of New York or in the North river, within the limits of Jersey City or Hoboken aforesaid, and load or unload, or make fast to any wharf therein, one half of one per centum per ton, to be computed from the tonnage expressed in the register or enrollments of such ships and vessels respectively, and no more; and also on all other foreign ships or vessels which shall arrive at and enter the said port, and load, unload or make fast

Powers of harbor masters.

to any wharf therein, double the amount of fees above specified, according to the rate of tonnage or burthen of said ships or vessels respectively, to be ascertained by their respective registers or other documents on board the same; but no compensation shall be demanded by the said harbor masters for the entrance into the said limits of Jersey City or Hoboken, any ship or schooner employed in the coasting trade within the United States, unless upon application of the master or persons having charge of any such vessel employed in the coasting trade as aforesaid; the said harbor masters, or either of them, shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel, which difference said harbor masters, or either of them, are hereby authorized and required to hear and determine; in which case the said harbor masters, or either of them, may demand from the party in default, in the premises, the sum of two dollars, excepting canal barges and canal boats, for which he may receive one dollar each, and no more, for any difference so by him adjusted, to be sued for and recovered in the names and for the use of said harbor masters, in any court having cognizance thereof; the master, owner and consignees of any ship or vessel subject to the payment of the fees to harbor masters as aforesaid, shall, within forty-eight hours after the arrival of such ship or vessel, pay the fees so due thereon, at the office of the said harbor masters, or one of them, and in default of such payment, if the same shall have been first duly demanded, such master, owner or consignee on whom such demand shall have been previously made shall forfeit and pay double the amount of such fees, to be sued for and recovered in the names and for the use of the said harbor masters, in any court having cognizance thereof; it shall be the duty of the said harbor masters to superintend and enforce the execution of all laws of this state for cleaning the wharves and docks, and for preventing and removing all nuisances in or upon them, or either of them; and if the person or persons whose duty it shall be to remove such nuisance, shall refuse or neglect to remove the same within forty-eight hours after notice from the said harbor masters, or one of them, requiring such person or persons to remove the same, the said harbor masters may therefor demand and receive from such person or persons so neglecting or refusing, the sum of two dollars and fifty cents; and in case of non-payment thereof on demand, the same may

be sued for and recovered in the names of and for the use of the said harbor masters, in any court having cognizance thereof; and it shall be the duty of the said harbor masters, whenever required by the captain, owner or consignee of any vessel, to give a copy of this act to such captain, owner or consignee, and no person shall be fined for a violation of this act until that has been done; and it shall hereafter be the duty of said harbor masters to report to the governor of the state, under oath, the whole amount of fees received to the thirty-first of December, inclusive, in each year.

Inspectors of cattle to be appointed.

2. *And be it enacted*, That the said harbor masters shall appoint inspectors, whose duty it shall be to inspect all hogs, sheep and cattle, live or dressed, and said inspectors shall be appointed and commissioned by the governor, and shall have power to inspect the same at any place where the same shall be for sale, and the said inspectors shall hold their office for three years.

Must take an oath.

3. *And be it enacted*, That the said harbor masters shall take and file in the office of the secretary of the state, an oath, well, truly and faithfully to perform the duties of their appointment, before entering upon their said duties; and the said inspectors shall take and file in the office of the said harbor masters, an oath, well, truly and faithfully to perform the duties of their appointment before entering upon said duties.

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

Approved March 31, 1869.

CHAPTER CCCXCVII.

An Act to incorporate the Hudson River Chemical and Dyewood Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James L. Morgan, John M. Goetchius, Edward L. Kalbfleisch, James L. Morgan, junior,

and George Prindle, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "Hudson River Chemical and Dye-wood Company," for the purpose of manufacturing chemicals and dye-woods, at Bull's Ferry, Hackensack township, Bergen county, in this state, and of carrying on the business incident thereto; and by that name they and their successors shall have succession and continue a body corporate and politic, and shall be capable of contracting and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended and answered unto in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, receive, have, hold and enjoy, and sell or otherwise dispose of such personal and real estate as may be necessary and useful for the said corporation to carry on the manufacturing operations before mentioned.

Name and objects.

May purchase and hold real estate

Election of directors.

2. *And be it enacted*, That there shall be five directors of said corporation who shall be elected by the stockholders on such day as the said corporation shall by its by-laws designate for that purpose; the five persons hereinbefore named shall be the first directors and shall hold their office until the first day of January next, and until others shall be chosen; and the directors subsequently elected shall hold their office for the period of one year, or until the first Monday in January next after their election, and until others shall be chosen; every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him at the time ot such election and for thirty days previous thereto.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, transferable in such manner as the said corporation shall by its by-laws direct, and shall be deemed personal property; and the persons named in the first section of this act are hereby authorized to receive subscriptions to the capital stock or to

so much thereof as they may deem expedient, and at such times and places as they may determine.

4. *And be it enacted*, That the said corporation may from time to time during its continuance, increase its capital stock to not exceeding six hundred thousand dollars by a vote of the stockholders thereof, holding or representing two-thirds of the stock. May increase capital stock.

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

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

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

8. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of fifty years from the time of its passage; *provided, nevertheless*, that the legislature reserve the right Limitation. Proviso.

to alter or amend this act whenever the public good may require it.

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

Approved March 31, 1869.

CHAPTER CCCXCVIII.

An Act to incorporate the State Savings Bank of the City of Trenton.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel K. Wilson, John Woolverton, Charles Hewitt, John A. Roebling, John P. Nelson, William A. Newell, Hudson S. Ellis, Isaac R. Rogers, Alexander B. Green, Ogden W. Blackfan, Anthony Smith, Joseph C. Mayer, John V. Hutchinson, George R. Robbins, James C. Norris, James G. Phillips, George Hale, John G. Stevens, Henry Speeler, Charles Carr, A. Price Lanning, John F. Hageman, Elias Farley, William S. Janney, Robert C. Hutchinson, William E. Brook, Thomas S. Vanhorn, Jacob R. Freese, and their successors, shall be and are hereby constituted a body corporate and politic, by the

Name.

name of "The State Savings Bank of the City of Trenton," and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods and chattels

May hold real and personal estate.

or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing or otherwise disposing of said real and personal estate, or any part, at their

Proviso.

will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made shall not exceed the sum of one hundred thousand dollars.

Election of managers.

2. *And be it enacted*, That the said institution shall be conducted by five managers, elected by ballot from among

the number of the above named incorporators, which election shall be held in the city of Trenton, on the first Monday in May of the present year, at such hour and place as may be designated by advertisement, and at which election a majority of the votes cast by the incorporators present and voting shall determine the choice for managers; of the managers so elected three shall be a quorum to transact business, and at least three shall be residents of the city of Trenton, and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually on the first Monday in May, and choose one of their number as president, they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year or until others are appointed, and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and such securities as may be directed by the board of managers; such of the above named incorporators as may not be chosen as managers shall be regarded as advisory members of the board of managers without pecuniary responsibility for any act done by the board, and without the power to vote at any meeting of the board.

General powers.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to the alteration.

Proviso.

May receive deposits.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times,

and on such terms as the by-laws shall prescribe; which shall be invested accordingly, and shall be repaid to the depositors at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe, and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

May regulate rate of interest

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers be so regulated as that the interest allowed to depositors having over one thousand dollars deposited, shall be at least at the rate of one per centum per annum less than the interest allowed other depositors.

Proviso.

Managers shall not receive emolument.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them for their services, except the president, secretary and treasurer, and the committee on examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation; nor shall the said institution issue any notes or bills, nor shall any officer of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of moneys.

7. *And be it enacted*, That the said institution shall invest no money in any public stock other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, Ohio, or in stocks or bonds of either of the cities or counties of the state of New Jersey, nor in bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested, nor in stocks or bonds of any incorporated company whatever.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution, shall be as binding as if the same were made under their common seal. Certificates of deposit binding.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband nor liable for his debts, nor shall money deposited by single women, be subject in case of marriage, to the use or control nor liable for the debts of the future husband. Minors may make deposits and receive moneys. Proviso.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom in the event of his or her death the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of the said institution. May designate a person to whom payment shall be made.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than twenty-five cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional part of a month. Limitation of amounts received.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made. Deposits to be entered.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and Annual statement required

such statement shall be published in one or more of the newspapers published in the city of Trenton.

Vacancies. 14. *And be it enacted*, That the managers shall have the power to fill up by ballot at a regular meeting any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Place of business. 15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Trenton, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Misnomer not to vitiate any deed, &c. 16. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend, modify or repeal this act.

Proviso.

17. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved March 31, 1869.

CHAPTER CCCXCIX.

A Further Supplement to the act entitled "An Act to establish and regulate Pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook," revision approved April seventeenth, eighteen hundred and forty-six.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement entitled a further supplement to the act entitled "An Act to establish and regulate Pilots for the ports of Jersey

City, Newark and Perth Amboy, by way of Sandy Hook," revision approved April seventeenth, eighteen hundred and forty-six, which supplement was approved March fifteenth, eighteen hundred and sixty-seven, be and the same is hereby repealed.

Vessels must take a licensed pilot.

2. *And be it enacted*, That all masters of foreign vessels, and vessels from a foreign port, and all vessels sailing under register, bound in or over the bar of Sandy Hook, shall take a licensed pilot, or in case of refusal to take such pilot, shall himself, owners or consignees, pay the said pilotage as if one had been employed, and such pilotage shall be paid to the pilot first speaking or offering his services as pilot to such vessel; *provided*, that this section shall not apply to any citizen of New Jersey who is engaged in the coasting trade, who shall have sole command and charge and be the enrolled or registered master of any vessel bound in or over such bar.

Proviso.

Repealer.

3. *And be it enacted*, That all laws now in force, and which are inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 31, 1869.

CHAPTER CCCC.

An Act to facilitate business in the Passaic County Circuit Court.

May employ stenographer

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge of the circuit court of the county of Passaic, is hereby empowered to employ a competent stenographic reporter in said court, whose compensation shall be fixed by said judge, and paid by the board of chosen freeholders of said county upon the certificate of said judge that he is entitled to the same.

Expenses, how met.

2. *And be it enacted*, That to aid in defraying the expense incurred by said board for said reporter, each party in

every cause legally placed upon the supreme and circuit court lists of causes in said court, shall on the first day of the first term in which such cause is so placed upon the list, pay to the clerk of said court the sum of one dollar, for which amount the attorney of record of each party shall be liable, which sum shall be paid by the said clerk to the collector of said county for the use of the county.

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

Approved March 31, 1869.

CHAPTER CCCCI.

An Act to authorize the Trustees of Haddon School District Number One, to borrow money and issue bonds to build a school house.

School trustees authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Haddon School District Number One, in the county of Camden and state of New Jersey, be and they are hereby authorized to borrow any sum of money not greater than twelve thousand dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon within said school district, and furnishing the same.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue bonds in their corporate name to the lenders of said moneys in amounts not less than one hundred dollars, each payable at the expiration of twelve years from their date and redeemable after five years from date, at the pleasure of said trustees, with lawful interest, payable half yearly; which bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law, and shall be a first lien against said school house when it shall be erected.

Payment of bonds.

3. *And be it enacted*, That it shall be the duty of the legal voters of said school district at the meeting called to approve

this act as hereinafter provided, and at their annual district meetings hereafter to assess such a special tax upon the inhabitants of said school district and their estates in addition to all other taxes raised at such meetings and required by law as will be sufficient to pay the annual interest accruing on said bonds, and also to provide a fund for their ultimate redemption when due; which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by him and appropriated; first, so far as required to the payment of said interest semi-annually as it falls due through orders drawn on him by the clerk of said trustees as now provided by law with regard to other school funds; and secondly, as to the balance of said special tax, it shall be annually invested in the loans of the state of New Jersey, the county of Camden, the United States, or bonds and mortgages of real estate in New Jersey, in the corporate names of said school trustees, to be held by them in trust as a sinking fund, to be applied to the redemption of said bonds when due, or as the holders thereof may be willing to receive the principal thereof, prior to maturity.

Funds applied solely to school purposes.

4. *And be it enacted*, That the funds raised by the said bonds shall be paid over directly into the hands of the collector of Haddon township, and shall be appropriated by him solely to the purposes expressed in the first section of this act, upon orders drawn upon him by said trustees through their clerk.

Collector must give bond.

5. *And be it enacted*, That before any lender upon said bonds shall pay any money over to said collector, he the said collector shall have first entered into bond with the inhabitants of said school district, with two sureties to be approved by the said trustees for the faithful appropriation of all moneys that may come into his hands by virtue of this act, which bond shall be filed with the clerk of Camden county, and recorded in the miscellaneous book of his office.

Act to be approved by the legal voters.

6. *And be it enacted*, That this act shall not take effect unless it be first approved by two-third of the legal voters of said school district present at any meeting of said voters held after ten days' notice thereof given by the district clerk of said school trustees by at least ten printed notices set up within said district in the most public places thereof, setting forth the objects of this act, and the time, place and objects of such meeting; the vote shall be taken by ballot, said bal-

lots to be printed "for approval" and "against approval," and the judges of the last preceding township elections shall be the judges of this election and shall declare the result, and in case of the absence or failure to attend of any or all of said judges, at the time for opening the polls as set forth by the printed notices issued by the district clerk of said trustees as above provided, a majority of the inhabitants of said school district then assembled, may choose as they may see proper, one or more persons to fill such vacancy caused by the absence of said judges, who shall be in all respects qualified to act as the judges of said election.

Legal proof of approval.

7. *And be it enacted*, That the evidence and legal proof of such notice, meeting, and the approval of two thirds of the voters of said district, shall be the certificate of the moderator or chairman, and secretary chosen at such meeting, together with that of the judges of said election and the district clerk of said trustees, attesting said facts by their several signatures and affidavits, before a justice of the peace of said county of Camden, and the record of such certificate and affidavits in the office of the clerk of said county of Camden in his book of miscellaneous records.

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

Approved March 31, 1869.

CHAPTER CCCCII.

An Act to incorporate the Burlington County Cranberry Company of New Jersey.

Corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James G. McQuaide, Josiah C. Sparks, Marshall Attmore, Albert L. Kern and Nimrod Woolery, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Burlington County Cranberry

Company of New Jersey," for the purpose of buying, holding, cultivating and improving lands in Burlington county, and for raising and selling cranberries and other fruits and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands as may be for the benefit of said lands. Name and object.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of ten dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment thereof; and that the said subscriptions for stock shall be opened in the town of Burlington, New Jersey, at such time and place as the directors may designate, under their direction, or that of such person or persons as a majority of them may select. Amount of capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide, and that until an election for directors shall be held, the persons named in the first section of this act shall be directors. Election of directors.

4. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the capital stockholders shall concur therein; and upon such dissolution, the directors, for the time being, and the survivors or survivor of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all How dissolved

the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock; and in case a vacancy shall occur in the board of directors, by death, resignation, or the failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Stock transferable.

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

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

Approved April 1, 1869.

CHAPTER CCCCIII.

Supplement to an act entitled "An Act to incorporate the Lodi Manufacturing Company for purposes of Agriculture," passed February sixth, eighteen hundred and forty.

Extension of charter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act to which this is a supplement be and the same shall continue in force for twenty-five years from and after the expiration of the time named in the tenth section of said act.

Approved April 1, 1869.

CHAPTER CCCCIV.

Supplement to an act entitled "An Act to authorize the extension of the State Prison," approved April sixteenth, eighteen hundred and sixty-eight.

Preamble. WHEREAS, the inspectors of the state prison were authorized to build an additional wing to the state prison for the purpose of providing room for the female convicts by an act entitled "An Act to authorize the extension of the State Prison," approved April sixteenth, eighteen hundred and sixty-eight; and whereas, the sum of six thousand dollars, which was appropriated for that purpose has been expended and found insufficient, as shown by the vouchers pertaining to same, as examined by the joint committee on state prison affairs, to the amount of nine thousand seven hundred and thirty-four dollars, therefore,

Extension of state prison. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further sum of nine thousand seven hundred and thirty-four dollars be and is hereby appropriated for the purpose of completing the said extension to the state prison; and the treasurer is hereby authorized to pay out of the state treasury to the said inspectors, on the warrant of the comptroller, the further sum of nine thousand seven hundred and thirty-four dollars, above mentioned.

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

Approved April 1, 1869.

CHAPTER CCCCV.

A Further Supplement to an act entitled "An Act to incorporate the Crosswicks and Trenton Turnpike Company," approved March fourteenth, eighteen hundred and fifty-six.

May reduce par value of stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of "The Crosswicks and Trenton Turnpike Company," at the next annual meeting of the stockholders of said company, called according to the provisions of the charter of incorporation of said company, by a resolution to be adopted by them at such meeting to reduce the par value of the shares of the capital stock of said company to an amount not less than twenty-five dollars; *provided*, that such reduction of the par value of said stock shall not be deemed accomplished until a copy of the resolution of the stockholders for that purpose, signed by the president and secretary, and sealed with the seal of the company, shall be filed in the office of the secretary of state, and the said resolution shall be published in the laws of this state, and the same or a duly certified copy thereof, shall be evidence thereof in all courts and places whatsoever.

Proviso.

Repealer.

2. *And be it enacted*, That so much of the ninth section of the act to which this is a supplement, as exempts from toll any person going to or from any mill to which he may usually resort, for the grinding of grain, be, and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect on the filing of the said resolution in the office of the secretary of state as aforesaid.

Approved April 1, 1869.

CHAPTER CCCCVI.

A Further Supplement to the act entitled "An Act to relieve and sustain the Soldiers' Children's Home," approved March seventh, eighteen hundred and sixty-six.

WHEREAS, the amount now appropriated for the support of the children at the Soldiers' Children's Home, is not sufficient to meet their present expenses; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the managers of "The Soldiers' Children's Home," to make and submit a report to the governor of this state of the aggregate amount paid out for the wages of servants, teachers and other employees, in the said home, at the expiration of every three months, and the treasurer of this state shall pay out of any money in the treasury not otherwise appropriated, to the treasurer of the Soldiers' Children's Home aforesaid, the said sums of money for each quarter (provided the amount for each quarter is not to exceed the sum of five hundred dollars) which payments are to be made upon the warrants of the comptroller, to be continued for seven successive years. Appropriation for children's home.

2. *And be it enacted*, That the sum of four thousand dollars is hereby appropriated to defray the expenses of furnishing the new buildings and wings being constructed for the said Soldiers' Children's Home, with beds, bedding, and other articles of furniture necessary for the comfort of said children, and the treasurer of this state is hereby directed to pay to the treasurer of the said Soldiers' Children's Home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, said sum of money as may be required for the purpose aforesaid. For furnishing new buildings

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

Approved April 1, 1869.

CHAPTER CCCCVII.

An Act for the purpose of enabling the inhabitants of Woodside and Belleville, in Essex County, New Jersey, to be supplied with Aqueduct Water.

Aqueduct board may supply water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the aqueduct board, of the city of Newark, to lay such pipes (in addition to those already laid) as may be necessary to supply the people of Woodside and Belleville with aqueduct water, and to do any and all things necessary to effect the objects of this act.

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

Approved April 1, 1869.

CHAPTER CCCCVIII.

An Act to incorporate the Bloomfield Hall and Library Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Augustus T. Morris, Samuel G. Baxter, Amzi Dodd, J. Hunt Adams, Warren S. Baldwin, Thomas W. Langstroth, David Oakes, Reuben N. Dodd, James A. Hedden, Philip Weaver, Samuel Benson, Samuel Moore, F. A. Peterson, Ebenezer MacFarlan, Samuel J. Potter, Horace Dodd, Jacob F. Randolph, Charles W. Powers, Francis C. Bliss, Joseph A. Davis, M. D., James C. Beach, Wright F. Congar, Antoine G. McComb, John H. Chambers, Edward S. Wilde, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corpo-

rate, in fact and in law, by the name of "The Bloomfield Hall and Library Association," and by that name they and their successors may have perpetual succession, and by the said name the said corporation shall be capable of leasing, purchasing and holding real estate in the township of Bloomfield, county of Essex, and to erect thereon a hall and other improvements for the use of societies, public meetings, lectures, concerts and such other purposes as the said association shall deem expedient, subject to the by-laws and regulations of said corporation, and it shall be lawful for said association to use, lease, and permit to be used such parts of the hall or building or buildings, to be erected by them, as shall not be necessary for the purposes and uses aforesaid, for the purpose of carrying on any trade or business therein, not inconsistent with the laws of this state, or the provisions of this charter; *provided*, such real estate shall not exceed two acres. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may deem proper, and at the time of subscribing for said stock such per centage shall be paid upon the amount subscribed for, to the said commissioners, or some one of them, as the said commissioners or a majority of them may think proper, and as soon as the sum of ten thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose seven directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners or any three of them shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver Commissioners to receive subscriptions to capital stock. Election of directors.

over the subscription books and money paid in, after deducting all expenses previously incurred to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to elect not to dissolve.

4. *And be it enacted*, That the directors of the said corporation shall be seven; and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not, for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in one or more newspapers published in the county of Essex, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead.

General powers.

5. *And be it enacted*, That a majority of the directors of said association shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said association, by such installments and at such times as they may direct, by giving thirty days' previous notice in a newspaper published in the county of Essex; *provided*, that no installment shall exceed five dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation, and shall 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,

Proviso.

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 association shall enable them to do.

Penalty for injuries done.

6. *And be it enacted*, That if any person or persons shall willfully do or cause to be done any act or acts whatsoever, whereby any building, property, or structure whatsoever, or anything appertaining thereto or connected therewith, or whereby the same may be defaced or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and on being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, that such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state having cognizance of the same, which suit the said association is hereby authorized to commence and prosecute to final judgment and execution.

Proviso.

May borrow money and secure the same by mortgage.

7. *And be it enacted*, That the said corporation shall have power to borrow after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money from time to time as shall be necessary to construct or repair the buildings of said corporation, and furnish the said association with all necessary equipments, furniture, and apointments whatsoever, for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on land, franchises, buildings and appurtenances of or belonging to the said corporation at a rate of interest not exceeding seven per centum per annum.

Books, &c., exempt from tax.

8. *And be it enacted*, That the books and furniture belonging to said Library Hall Association shall be exempt from taxation.

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

Approved April 1, 1869.

CHAPTER CCCCIX.

A Further Supplement to the act entitled "A Supplement to the act entitled 'An Act to incorporate the Gloucester Turnpike Company,'" approved March fifth, eighteen hundred and fifty, which said supplement was approved April sixteenth, eighteen hundred and sixty-eight.

Preamble. WHEREAS, by the second section of the act to which this is a supplement the Gloucester Turnpike Company are required within thirty days after the passage of said act to cause to be erected and put up in a conspicuous place upon the bridge of said company over Great Timber creek and within view of travelers thereon a notice as follows: "All persons are prohibited from traveling over this bridge at a faster gait than a walk, under a penalty of five dollars;" and whereas said company did not put up said notice within said thirty days nor in the language prescribed by said act, although said company have caused to be erected and put in a conspicuous place near the northerly end of said bridge a notice as follows, to wit: "Five dollars fine for traveling over this bridge faster than a walk;" now therefore, for remedy whereof, and for the purpose of enabling said penalty to be enforced against any persons liable thereto,

Notice a full compliance with act. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the setting up of the notice hereinabove stated by said company shall be deemed, taken and considered as a full compliance with the provisions of said act so far as the same is by said company to be complied with, and that any person or persons offending against the provisions of said act shall be subject to the penalty therein contained as fully to all intents and purposes as if said notice had been in the words of and had been set up within the time prescribed by the act to which this is a supplement.

May purchase land for gravel 2. *And be it enacted*, That it shall be lawful for said company to purchase or lease any land or lands, not exceeding fifteen acres in any one tract, for the purpose of digging or excavating the gravel thereon to be used on the turnpike

road of said company in rebuilding or repairing the same, and said lands from time to time sell or mortgage.

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

Approved April 1, 1869.

CHAPTER CCCCX.

An Act to incorporate the Hudson Connecting Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Rutherford, William B. Rankin, Noah D. Taylor, Delos E. Culver, Leon H. Abbett, Julius Pratt and William J. A. Fuller, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Hudson Connecting Railway Company," and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this incorporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances, which are hereinafter authorized; and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall direct. Amount of capital stock.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places, as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers to choose nine directors, and such election shall be made at the time and place appointed in the said notice by such subscribers as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or a majority of them, shall be inspectors of such election, and shall certify under their hands the names of the persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid, shall at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Directors, how elected.

Failure to elect not to dissolve.

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

Payment of installments.

5. *And be it enacted*, That five directors of said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company by such installments not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other, and in case of the non-payment of said installments, or

Proviso.

any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said company, and shall also have power to appoint a treasurer and a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and also to the president as to the said board shall appear proper.

May construct and make a railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct one or more railways in the county of Hudson to connect the several railways therein, built or to be built, but such railways shall not exceed one hundred feet in width unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railways, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railways, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, management or repairs of said railways, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under

May enter upon lands.

Proviso.

their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings when company and owners of land cannot agree

7. *And be it enacted*, That if the owner of the land, on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of said lands, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situated and bounded, and described in writing under their hands and seals or under the hands and seals of any two of them, to the justice who appointed them, and to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto; there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said com-

Proceedings in case the company or owners are dissatisfied with report.

pany, and execution issued if need be; but if the said jury shall be demanded by the owner or owners and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners or by the jury with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Further proceedings in case of legal disability.

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

Bridges to be kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railway where any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the said railway shall not be impeded thereby, and if the company neglect to perform the same, after giving twenty days' notice to the company, by the person or public officers having charge of the repairs or maintainance of said road so to do, such person or public officer may do the work, or cause the same to be done, and recover the value thereof from the company by the common process of law.

Rates of transportation.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railway constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any

species of property thereon, as they may think reasonable, expedient and right; *provided*, they shall not charge more than at the rate of twelve cents per mile per ton for the transportation of property on the said railway, or eight cents per mile for carrying each passenger on said railway in the carriages of the company, or six cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried on said railway in the carriages of others, and three cents per ton per mile for each empty carriage; and that the said railway and its appendages and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors shall within one year after the said railway shall have been completed, declare and make such dividends as they may think prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively as they may deem prudent and proper.

Penalty for injuring road or works.

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

May hold real estate.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railway, and at the several stations on the line of said railway to a sufficient extent to provide accommodations and conveniences for the business of said railway, and may erect and build thereon houses, warehouses, machine shops and such other buildings and improvements as it may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the

privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railway as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act; *provided*, that any bridge erected by said company over any navigable stream shall have a draw not less than sixty feet in width at a convenient place for the passage of vessels. Proviso.

14. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as mortgaged in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Statement of costs and expenses to be made and filed. Proviso.

15. *And be it enacted*, That any time after fifty years from the completion of the said railway the legislature of this state may cause an appraisement of the said railway and the appendages thereof to be made, by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appraisement, or if they cannot agree they shall choose a seventh, Proceedings if the state elects to take road.

who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six shall be appointed as aforesaid and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint the seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said railway upon the payment to the company of the amount of said report within one year after electing to take said railway, which report shall be filed in the office of the secretary of state, and the whole property and interest of said railway and the appendages thereof shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request a full and fair statement of the cost of said railway and of all receipts and disbursements of the said company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts and disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost of said railway with the appendages thereof.

Proviso.

Limitation.

16. *And be it enacted*, That the said railway, or some part thereof, shall be commenced within two years and completed within five years from the fourth day of July, next ensuing, otherwise this act shall be void.

May contract with other companies.

17. *And be it enacted*, That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals for transporting or conveying any kind of goods, produce, merchandise, freight, or passengers, and to enforce the fulfillment of such contract.

May issue bonds and secure the same by a mortgage

18. *And be it enacted*, That the said company shall have the power and it is hereby authorized to make its bonds, and for the purpose of securing their payment, to mortgage its real estate and personal property, railway or railways and all the appurtenances, franchises, powers, privileges and rights belonging thereto which it may possess under its act of incorporation, to such amount as it may deem expedient, and to

sell or negotiate the same at such discount as it may deem for the best interest of the company, without invalidation thereof, by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and in equity, and the purchaser or purchasers, under a decree of equity or foreclosure, founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by said company, under or by virtue of its act of incorporation and any supplement thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

Other corporations may purchase stock.

19. *And be it enacted*, That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said railway company.

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

Approved April 1, 1869.

CHAPTER CCCCXI.

A Further Supplement to the act entitled "An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane.

Charge for paupers in insane asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful to charge three dollars and fifty cents per week for keeping in the asylum any pauper or indigent insane person, sent to the asylum in accordance with the twentieth, twenty-first and twenty-second sections of the act to which this is a supplement.

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

Approved April 1, 1869.

CHAPTER CCCCXII.

A Supplement to the act entitled "An Act to extend the provisions of the act entitled 'An Act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen,' approved February twelfth, eighteen hundred and fifty-two, to the township of Downe, in the county of Cumberland."

Penalty for interfering with impounding cattle.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall wilfully interfere with, hinder or stop any horses, cattle, sheep or swine while being driven to the public pound of said township of Downe, so that the animals being so driven shall escape from the person driving them, shall forfeit and pay the sum of ten dollars, to be sued for and recovered in an action of debt, with costs of suit, before any justice of the peace of said township, by any person who shall sue for the same.

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

Approved April 1, 1869.

CHAPTER CCCCXIII.

An Act to incorporate the Passaic Valley Land Improvement and Building Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Blake, Frederick G. Burnham, Richard A. McCurdy, James C. Blake and Frederick S. Winston, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Passaic Valley Land Improvement and Building Company," and by that name shall be capable in law of purchasing, using, holding, improving, letting, manufacturing, selling, mortgaging and disposing of such real estate in the counties of Morris, Union and Essex, not exceeding one thousand acres at any one time, and such personal estate as may be necessary or expedient to the objects of this corporation, and may receive and make all deeds, transfers, covenants, conveyances, mortgages, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid. Corporators. Name.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the counties of Morris, Union or Essex, or shall be served upon each person in whose name at that time there may be standing on the books of the company one or more shares of stock, and each stockholder shall be entitled to one vote for every share which he or she may hold in said corporation, and the persons having the greatest num- Directors, how chosen.

ber of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and assign such duties to said agents, officers and superintendents, and make such compensations as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Joseph Blake, Frederick G. Burnham, Richard A. McCurdy, James C. Blake and Frederick S. Winston, who shall hold their offices until the first Monday in April next, or until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing it to any amount not exceeding five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as two hundred shares of the capital stock shall have been subscribed and the amount thereof fully paid in to said company, it may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and the books of subscription for the stock of said corporation shall be opened at such time and place and remain open such time in the counties of Morris, Union or Essex, or either of them, as the directors shall appoint, due notice having been given previously thereto; and the shares of said capital stock shall be deemed personal property and be transferable in such manner as the corporation by their by-laws shall direct.

General powers.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage, sell and convey, all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering, flagging or otherwise, or by constructing sewers or drains subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed, or by erecting or causing to be erected thereon buildings of every name, kind, and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots and streets, and to use the same for agricultural purposes, or in any other way that the said corporation may deem necessary

and advisable, and to purchase, make up and manufacture, sell and dispose of all material pertaining to the erection of buildings; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds the said company shall have power to convey or pledge by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two-thirds of the value of the real estate held by said company. May issue bonds. Proviso.

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

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct. Not dissolved for failure to elect directors

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

Approved April 1, 1869.

CHAPTER CCCCXIV.

A Further Supplement to an act entitled "An Act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, eighteen hundred and sixty-four.

May lay out and construct a railroad, and route.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be and they are hereby authorized, in addition to the railroad and branches authorized to be constructed by the act to which this is a supplement and the several supplements thereto, to lay down and construct a railroad, with all the necessary turnouts and switches thereto, and with a single or double track upon and along any street or streets now opened or hereafter to be opened in the city of Newark, lying east of Broad street in said city, from the terminus of the road of said company within said city, now authorized by said act and the several supplements thereto to a point at or near the depot of the New Jersey Railroad and Transportation Company, called the Centre street depot, and thence to a point at or near the depot of the Morris and Essex Railroad Company; *provided*, that the right to construct the said road or roads through any street within the city of Newark shall not be vested in the said corporation until the consent of the common council of said city shall first be had and obtained.

Council must consent.

Rights and privileges.

2. *And be it enacted*, That in the construction, equipment, management, running and operation of said additional road, the said corporation shall have and possess all the powers, authority and privileges granted to or conferred upon them by said act and the several supplements thereto, in relation to the railroad, extensions and branches authorized thereby.

May purchase and hold real estate.

3. *And be it enacted*, That said corporation may purchase, have and hold such real estate as they may desire, along the line of the additional road hereby authorized, at not more than three places, and not to exceed ten acres in all, in addition to the real estate they are authorized to hold by said act and said supplements thereto.

May increase capital stock.

4. *And be it enacted*, That said corporation be and they are

hereby authorized to increase their capital stock one hundred thousand dollars in addition to the capital stock now authorized by said act and said supplements thereto, which increase shall be divided into shares of twenty-five dollars each, and be deemed personal property and transferable as directed by said act; and that in regard to the construction, equipment and repair of the additional road hereby authorized, the said corporation shall have the same powers and authority to borrow money therefor, and to secure the payment of the same as by section twelve of said act is conferred upon them in regard to the railroad authorized by said act and by the supplements thereto.

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

Approved April 1, 1869.

CHAPTER CCCCXV.

An Act to change the name of the Lambertville Baptist Church, at Lambertville, New Jersey.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Lambertville Baptist Church, at Lambertville, New Jersey, be and the same is hereby changed to that of the First Baptist Church, of Lambertville, New Jersey, and by the latter name shall have, hold, and receive all real and personal estate and enjoy all rights, powers, privileges and immunities, the same as though the name of said church had not been changed.

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

Approved April 1, 1869.

CHAPTER CCCCXVI.

An Act for the support and extension of the State Reform School for Boys.

Enlargement of state reform school.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the trustees of State Reform School to enlarge the main building by the erection of a new wing, the sum of ten thousand dollars be hereby appropriated, and the treasurer of the state is directed to pay the same upon the warrant of the comptroller, to the trustees of said school when the plan of building shall have been approved by the board of control.

Appropriation for support of school.

2. *And be it enacted*, That for the support of the said school, the maintenance and instruction of its pupils the sum of twelve thousand five hundred dollars, be and the same is hereby appropriated, which sum the treasurer of the state is hereby directed to pay to the trustees of the school upon the warrant of the comptroller.

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

Approved April 1, 1869.

CHAPTER CCCCXVII.

A Supplement to an act entitled "An Act to enable the Camden and Amboy Railroad and Transportation Company to take a lease of the Rocky Hill Railroad," approved April fourteenth, eighteen a d hundred sixty-eight.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and is hereby amended by striking out the words "each of said companies" and inserting in

place thereof "The Rocky Hill Railroad and Transportation Company."

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

Approved April 1, 1869.

CHAPTER CCCCXVIII.

An Act for the more efficient enforcement of the laws, and protection of the rights and property of the citizens of the Township of Milburn, in the county of Essex.

Special police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of Milburn, in the county of Essex, be and they are hereby authorized and empowered to appoint one or more persons as special police who shall have power to arrest all violators of the laws, and take them forthwith before the nearest magistrate for examination without first procuring a warrant for such arrest.

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

Approved April 1, 1869.

CHAPTER CCCCXIX.

An Act to improve Paterson avenue from the westerly line of the Paterson plank road to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Horne's Creek, in the county of Hudson.

Preamble.

WHEREAS, Paterson avenue from the westerly line of the Paterson plank road, westerly to the Bergen wood road, belongs in part to the city of Hudson and the township of West Hoboken, and from the Bergen wood road to the Secaucus road, in part to the city of Hudson, and in part to the township of North Bergen, and the Secaucus road from Paterson avenue to Pen Horne's Creek, belongs in part to the city of Hudson; namely, that part south of the centre of said road, while that part lying north of the centre of said road is not within the limits of any township or city in the county of Hudson, and in consequence whereof difficulties arise in the regulation and improvement of the same: and whereas, said avenue and road is much in need of repairs, and the owners of lands are desirous of improving and regulating the same; therefore,

Commissioners to improve avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power to improve and regulate said Paterson avenue from the westerly line of the Paterson plank road westerly to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Horne's Creek, be vested in three commissioners hereinafter named, and that the said commissioners be and the same are hereby empowered to regulate, grade, open, straighten, widen, flag, curb, gutter, pave and repair said avenue and road pursuant to provisions which follow.

Line of avenue.

2. *And be it enacted*, That for the purpose of the said improvement of said avenue and road, the said commissioners are hereby authorized and empowered to open, straighten and widen said avenue and road, and establish the following as the centre line of said avenue and road, to wit: Beginning at an iron bolt in the westerly side of the Paterson and New York plank road, commonly called the Paterson plank road; said bolt being distant south four degrees and twenty-three

minutes east, twenty-seven feet nine inches from the north-westerly corner of Paterson avenue and the Paterson plank road, and running from thence (1) north fifty-six degrees and fifty-six minutes west, five hundred and ninety-five feet to the south-easterly side of Bergen wood road or avenue, and from thence (2) north fifty-eight degrees west, nine hundred and twenty-three feet to the south-easterly side of Grand avenue as laid down on "the map of the estate of George Demott, deceased," thence continuing in the same direction one hundred and seventy feet to an iron bolt in the Secaucus road, thence (3) north five degrees and eight minutes east, thirty-four feet and four inches to an iron bolt; thence (4) north thirteen degrees and twenty-seven minutes west, one hundred and seventy-eight feet and two inches to an iron bolt; thence (5) north twenty-eight degrees and twenty-seven minutes west, one hundred and sixty feet to an iron bolt; thence (6) north fifty-four degrees and fifty-seven minutes, west four hundred and seventy-one feet to an iron bolt; thence (7) north thirty-eight degrees and twenty-seven minutes west, one hundred and sixty-nine feet and four inches to an iron bolt; thence (8) north seventeen degrees and seven minutes west to Pen Horne's creek—and that the said avenue and road shall be thirty feet in width on each side of said centre line thereof.

May enter on lands, &c.

3. *And be it enacted*, That the commissioners hereinafter named shall have power to enter upon all such lands as they shall deem it necessary to enter upon with the necessary attendants and surveyors, for the purpose of executing the powers and performing the duties conferred and enjoined upon them by this act.

May establish grade and map

4. *And be it enacted*, That the said commissioners are hereby authorized to establish the grade of said avenue and road, and to make a profile and map of the same, which shall be filed with the clerk of the court of common pleas of the county of Hudson.

Improvements.

5. *And be it enacted*, That the said avenue and road shall be regulated and graded in accordance with the grade to be established by the commissioners, and curbed, guttered and sidewalks flagged on both sides thereof.

Paving.

6. *And be it enacted*, That Paterson avenue and all that portion of the Secaucus road from Paterson avenue westerly to the easterly line of the Northern New Jersey Railroad, shall be paved between the curbs thereof, with Belgian pavement.

May take lands.

7. *And be it enacted*, That the said commissioners shall have power to take any lands that may be necessary for the opening, widening or straightening of said avenue and road, upon the paying to the owner or owners the fair value of the lands taken and of the improvements thereon, and the damage done to any tract, lot or parcel, tenement or building, by taking part of it for such purpose.

Expenses assessed on lands.

8. *And be it enacted*, That all expenses for the opening, widening and straightening of said avenue and road, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to benefit received, and such assessments shall be a lien upon the property assessed, and collected and paid in the manner hereinafter provided for.

How assessed.

9. *And be it enacted*, That the expenses of regulating, grading, curbing, guttering, flagging and paving, when completed, shall be ascertained and assessed by the said commissioners, who shall examine into the whole matter and shall determine and report in writing to the court of common pleas of the county of Hudson, what real estate ought to be assessed for such improvements and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the said clerk of the court of common pleas, whereupon the said clerk shall cause to be inserted in at least two of the newspapers printed and circulated in the said county of Hudson, for at least ten days, a notice of the filing of such report and map, and that the said court shall meet at a time and place to be specified in said notice to consider said assessment, and to receive and consider all objections thereto, which may be presented in writing; and if the said court shall confirm said assessments, it shall constitute a lien on the property assessed for the amount of such assessment.

Further proceedings in assessments.

10. *And be it enacted*, That for the opening, widening and straightening of said avenue and road, after determining the precise improvements to be made in accordance with the provisions of the second section of this act, the said commissioners shall determine what lands and real estate will be benefited by said improvements, and shall estimate the whole costs of said improvements according to the best of their judgment, and shall cause a survey and map to be made of said improvements, and of the lots and parcels of land benefited

thereby, distinguishing each lot or parcel by numbers on said map, and shall assess such estimated costs upon said lands to be benefited thereby, in proportion to the benefit received by each lot or parcel on said map, estimating the benefit to be done to the residue of any lot or parcel of which part may be taken for such improvements in the same manner as to other lands; and that they shall also estimate and report the value of lands taken for such improvements, and the erections thereon and the damages aforesaid done by taking the same, and report to whom said lands so taken belong, and the interest and estate of the several owners in the same as far as practicable; and shall file said report and map with the clerk of the court of common pleas within six months after filing their oath of office as hereinafter provided, whereupon the said clerk shall cause to be inserted in at least one of the newspapers printed or circulated in said county of Hudson, for at least ten days, a notice of the filing of said report and map, and that said court of common pleas shall meet at a time and place to be specified in said notice, to consider said assessment and to receive and consider all objections thereto which may be presented in writing, and if the said court shall confirm said assessment, it shall constitute a lien upon the property assessed for the amount of such assessment, and the amount reported by said commissioners as the value of any land to be taken, and the damages by taking the same shall be the sum to be paid to the respective owners of said lands; and the expenses of said improvements when completed, including all assessments and costs of the proceedings, shall be assessed upon the property reported by said commissioners as benefited thereby and in proportion reported by them.

Assessments to be confirmed by court of common pleas

11. *And be it enacted*, That if the said court of common pleas, after considering said assessment, and receiving and considering all objections which may be presented in writing, refuse or decline to confirm said assessment, then it shall be the duty of said court to appoint three disinterested persons commissioners, who, within ten days after their appointment, shall take the same oath required to be taken by the commissioners appointed by this act, which oath shall be filed with the clerk of the said court of common pleas, whose duty it shall be to proceed to make a new assessment of said improvements, after the manner provided for in this act for making such assessment, and who shall for all things for the

Proceedings if assessments are not confirmed.

purposes of such assessment, be vested with the same powers as the commissioners appointed by this act, and shall file their report and map thereof with said clerk of the court of common pleas within sixty days after their appointment, which report shall be confirmed by the said court of common pleas at the next meeting of the said court after the filing of the said report and map, which said report shall be final and conclusive upon all parties interested; and that the costs of the expenses of such new assessment shall be added to the expenses of said improvements, and assessed and collected in the same manner as the assessment of such improvement; and that the powers and duties of said commissioners appointed by the said court of common pleas shall cease and determine upon making their report as aforesaid.

All contracts to be given to the lowest bidder.

12. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in this act, shall at all times be given to the lowest bidder who will comply with the requirements of the commissioners, and will give ample security for doing said work and furnishing said materials according to contract; but said commissioners shall be under no obligations to accept the lowest bid, in which case all other bids shall be thrown up and new proposals offered; and that all proposals for doing work or furnishing materials for the said improvements, shall be published for two weeks in one or more newspapers published in the county.

Treasurer.

13. *And be it enacted*, That Henry Ackerson, of the township of North Bergen, be and hereby is appointed treasurer of said commission, who shall enter into bonds to said commissioners with sufficient sureties to be approved by said commissioners, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office and for the safe keeping of the moneys of the said commission that may be collected by him.

Duties of the treasurer.

14. *And be it enacted*, That the said treasurer shall collect all moneys assessed for said improvements, and disburse the same by order of the commissioners; he shall keep an accurate account of all receipts and payments, and be prepared at all times to account therefor to said commissioners; no moneys shall be paid by the said treasurer except on warrants signed by the said commissioners or a majority of them, except for the payment of certificates of indebtedness for improvements given by the said commissioners and interest on the same;

no warrant shall be drawn on the treasurer by said commissioners except for moneys necessarily expended for the purposes of said improvements, and all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of said commissioners before they deliver any warrant so drawn, to enter in the margin of a book, to be provided for that purpose, opposite said warrant, the number, date and amount of the same, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or her receipt in the said book at the time of said marginal entry of said warrant.

Further duties.

15. *And be it enacted*, That it shall be the duty of the said treasurer, within thirty days after the confirmation of said assessment by the said court of common pleas, as provided for by this act, to notify all persons assessed of the amount of their assessment, and the time on which the same shall be paid; and whenever any such assessment on any lot or parcel of land shall remain unpaid by the owner or owners thereof for sixty days after the confirmation thereof by the said court, it shall be lawful for the said treasurer to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum, from the time of confirmation of the said assessment until the same is paid.

Commissioners may issue certificates of indebtedness.

16. *And be it enacted*, That the said commissioners are hereby authorized and empowered to issue certificates of indebtedness under their hands and a common seal to be adopted by them, payable by the treasurer out of the moneys collected by him for any improvement, at such times as the said commissioners shall, in their judgment, deem advisable, not to exceed one year from the date of the final confirmation of the assessments made by virtue of this act, bearing interest from the date of their issue at and after the rate of seven per centum per annum, a record of which certificates of indebtedness so issued shall be kept by the said commissioners.

Assessments a lien on real estate.

17. *And be it enacted*, That any such assessment which shall be assessed or made upon any lands or tenements or real estate, [situated in said city] and townships, shall be and remain a lien thereon until paid, notwithstanding any devise,

descent, alienation, mortgage or other encumbrance thereof; and if the full amount of any such assessment shall not be paid and satisfied within six months from the time of confirmation of the same as aforesaid, it shall and may be lawful for the said commissioners to cause said lands, tenements or real estate to be sold at public vendue or auction for the shortest term for which any person shall agree to take the same and pay such assessment, or the balance thereof remaining unpaid, with interest thereon, and all costs, charges and expenses; and to execute under the common seal of said commissioners, a declaration of such sale, to be signed by the said commissioners and treasurer of said commission, and to deliver the same to the purchaser; and such purchaser, his or her administrators or assigns shall lawfully hold and enjoy the said lands, tenements or real estate to his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until his or her term shall be completed and ended; *provided*, that the said commissioners shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in the said county and generally circulated in said county, and also by advertisements put up in five public places in the city or township in which the lands, tenements and real estate to be sold are located, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sales; *and provided also*, that the lands, tenements, or real estate so sold, may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons for and on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for assessments, by paying to the treasurer of said commissioners, for the use of said purchaser, the said purchase money, together with any other sum paid for assessments which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the said treasurer, stating the payment and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem at any time

May sell the lands.

Proviso.

Proviso.

until after the expiration of the six months' notice hereinafter specified; no mortgagee whose mortgage shall have been duly recorded before sale for any assessment shall be affected by such sale, unless six months' notice in writing shall have been given to him or her by the purchaser or those claiming under him, either personally, or if not to be found in the city or township, then such notice shall be deposited in the post office of said city or township directed to him or her, at their last known place of residence or at the post office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by assessment or sale within a month after the service of such notice by the purchaser, or by those claiming under him or her; it shall be the duty of the persons serving or causing the same to be served, to file with the said treasurer a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a credible person, proving due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said term or terms for which any land, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, her or them, have a right of possession to said land, tenements or real estate, until two years, limited for the redemption of the same, shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the said commissioners may direct; *and provided*, that if any sale of lands, tenements or real estate for assessment, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall or may be lawful for the said commissioners to adjourn the said sale, not less than thirty nor more than sixty days; twenty days' notice, at least, shall be given as aforesaid of said adjourned sale; and if at said adjourned sale there shall be no purchaser for said lands, tenements or real estate or any part thereof, then it shall and may lawful for said commissioners to make such further adjournments as may be necessary,

Proviso.

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giving twenty days' notice, at least, of such further adjournments; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate, together with such assessments paid by a mortgage or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such liens shall have precedence of all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee so redeeming shall be decreed to be made out of said lands; and on the sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of such assessments shall be kept by the treasurer of said commissioners, which record shall contain the time when such assessments were made, the time when they were paid, and if the property has been sold therefor, the time of said sale and to whom sold, and, if redeemed, when and by whom.

Proviso.

Proviso.

Proceedings on payment of damages.

18. *And be it enacted*, That within three months after the confirmation of the report of the commissioners assessing the value of lands taken, and the damages thereby, the said treasurer shall tender and pay to the owner of said lands, if resident in the city of Hudson or said townships, the amount of said assessment due to him, but if such owner is not resident in the city or township, or upon due inquiry cannot be found therein, or is a lunatic, idiot or infant, or if for any other lawful cause, he is incapacitated to receive the same, or if such owners will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the clerk of the said court of common pleas of the county of Hudson; and the said commissioners, after inquiring into the facts of the case, deposit the amount of such assessment with the clerk of the said court of common pleas for the use of the persons to whom the same may be due; and upon filing such receipt of the owner, or depositing the amount of such assessment with the said clerk, the said lands shall be vested in the city or township in which the same may lie, the said commissioners may proceed with the improvements authorized by this act.

Commissioners shall give bonds.

19. *And be it enacted*, That the commissioners appointed by this act shall, before they proceed to the duties of their appointment enter into bonds to the state of New Jersey with at least two sufficient sureties, being resident and free-

holders of the said county of Hudson, to be approved by the judges of the court of common pleas of said county, or a majority of them, in the sum of ten thousand dollars, each conditioned for the faithful performance of their duties as such commissioners.

Prosecution of bond.

20. *And be it enacted*, That it shall and may be lawful for the governor or person administering the government, upon application being made in writing by any person, his legal representative or attorney, who may be aggrieved by the misconduct or default of said commissioners, to order a prosecution to be commenced upon the bond given by such commissioners and their sureties, and to be carried into effect at the costs and charges of the applicant.

How suits on bonds shall be brought.

21. *And be it enacted*, That all suits upon bonds given by the said commissioners and their sureties in manner aforesaid, shall be instituted in the supreme court and not elsewhere, and when judgment shall be obtained upon such bond, the said court shall direct so much money to be levied on such judgment as shall be sufficient to satisfy the party aggrieved for his debt or damages and costs to be paid to the said party, and if after judgment obtained upon such bond any other party aggrieved by the misconduct or default of said commissioners, or either of them shall apply to the supreme court for relief, the said court shall direct such further sum to be levied thereon as shall be sufficient to satisfy such party for his or her debt or damages and costs, and so on as often as application shall be made; *provided*, that the sureties shall not be charged by virtue of this act beyond the sum contained in said bond.

Proviso.

Names of commissioners.

22. *And be it enacted*, That John M. Wilson and Charles E. Newham, of the city of Hudson, and George Bruce, of the township of North Bergen, in said county of Hudson be, and the same are hereby appointed commissioners to exercise the powers and execute the duties of the commission provided for by this act; and should one or more of said commissioners decline or neglect to serve or die before said duties are performed, the court of common pleas may, upon the happening of said event, appoint as often as may be necessary, some fit person or persons in his or their place, which newly appointed commissioner or commissioners shall take the same oath and enter into the same bonds, and have the same powers, perform the same duties and receive the same compensation as in this act is prescribed.

Compensation

23. *And be it enacted*, That the compensation of said commissioners shall in no case exceed five dollars per day for each day actually employed in the duties of said trust; that the said treasurer shall receive a reasonable compensation for his services, to be regulated and fixed by the commissioners appointed by this act.

Shall take an oath.

24. *And be it enacted*, That the said commissioners shall within sixty days from the date of the passage of this act, and before they proceed to the duties of their appointment, subscribe and take an oath before the clerk of said court of common pleas, to faithfully, honestly and impartially perform the duties required of them by this act, which oath shall be filed with the said clerk.

25. *And be it enacted*, That all the expenses incident to said improvements and necessary for the completion thereof, shall be estimated by the said commissioners and assessed upon the lands benefited by said improvements.

26. *And be it enacted*, That any proceedings had by virtue of this act shall not be removed by certiorari.

27. *And be it enacted*, That this act shall be deemed and taken to be a public act.

Repealer.

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

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

Approved April 1, 1869.

CHAPTER CCCCXX.

A Further Supplement to the act entitled "An Act to incorporate the Hackettstown Aqueduct Company," approved March the tenth, eighteen hundred and fifty-three.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said com-

pany shall be increased to the sum of seventy-five thousand dollars.

2. *And be it enacted*, That said company shall be empowered to purchase and hold real estate to the extent of two hundred acres for the use of said company, and to sell and convey such parts thereof as they may deem necessary. May purchase and hold real estate.

3. *And be it enacted*, That it shall be lawful for said company to lay, sink and extend their pipes, conduits and branches through such of the highways of the townships of Independence and Mansfield, in the county of Warren, and the townships of Washington and Roxbury, in the county of Morris, as the directors of said company, or a majority of them, may deem advisable and for that purpose, and whenever it may be necessary to alter, remove or repair the same to dig, excavate and remove such of the soil and earth as may be necessary; and to restore the said highways to their former condition as soon as may be compatible with a judicious prosecution of the work. May lay pipes in roads and streets, &c.

4. *And be it enacted*, That said company shall have the right and privilege of taking, diverting and appropriating to the use of said company the waters of any spring, rill, rivulet, brook, pond, creek or river on any lands within three miles from said town of Hackettstown, upon making or tendering compensation to the owner or owners thereof or the person or persons affected by such taking, diverting or appropriating such waters as aforesaid, and in case said company and any person or owner cannot agree upon such compensation it shall be the duty of the said parties within thirty days' notice of any one party to the other each to choose a respectable freeholder (not a stockholder in the company) and they shall choose a third, whose judgment, or the judgment of any two of them, shall be final and conclusive; *provided*, that if either party consider themselves aggrieved by said judgment or award, such party may prosecute his appeal to be brought from or upon said judgment within sixty days in any court of competent jurisdiction. May appropriate waters to use. Proviso.

Approved April 1, 1869.

CHAPTER CCCCXXI.

Supplement to an act entitled "An act to revise and amend the charter of the City of Elizabeth."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An Act appointing commissioners to lay out streets, avenues and squares in the city of Elizabeth," approved March thirteenth, eighteen hundred and sixty-seven, and the supplement thereto, be and the same are hereby repealed; *provided*, that the action of the said commissioners, and the streets, squares and avenues, and the lines, profiles and maps by them established and filed, shall be final and conclusive, unless vacated, altered, revised or amended by the city council, by resolution; *and provided further*, that the said city council shall have power to vacate, alter, revise or amend the same only on the application in writing of any person affected and aggrieved thereby, said application to be made to the said city council on or before the first day of October next, and not thereafter; *and provided further*, that if the city council shall, before the said first day of October next, take proceedings to open or vacate any street, avenue or square laid out or vacated by the said commissioners, objections to the lines and profiles thereof established by them, if any exist, shall be made to the city council at such time, and not afterwards; *and provided further*, that the lines of Jefferson avenue, from the track of the Central Railroad Company of New Jersey to Elizabeth avenue, and of Washington avenue, from Grove street to the southerly line of Saint Mary's cemetery, as altered by the said commissioners, be and the same are hereby annulled, and the old lines thereof re-established, until altered in accordance with the provisions of the present city charter, as regards taking graveyard property for public improvements.

Proviso.

Proviso.

Proviso.

Proviso.

Council may widen streets.

2. *And be it enacted*, That the city council shall have the power to widen any street in the said city, without altering the course and direction thereof, and to establish grades, or a system of grades, for the streets and avenues in said city,

under the restrictions and in the manner prescribed by the act to which this is a supplement.

Alteration must be marked on map.

3. *And be it enacted*, That whenever the city council shall make any amendment, revision or alteration, or widen any street, they shall cause the same to be distinctly marked upon the maps filed by the said commissioners.

May open streets.

4. *And be it enacted*, That the city council shall have power to open any street in said city, as laid out by said commissioners, or as altered by said council under this act, and for that purpose to take and appropriate any lands or real estate necessary therefor, and to appoint commissioners to assess the damages thereof, as provided in the act to which this is a supplement, and also to vacate such streets and such parts thereof as may be vacated or altered by them under this act.

Assessments not considered illegal.

5. *And be it enacted*, That no assessment made by virtue of the provisions of the act to which this is a supplement, or any supplement thereto, shall be considered illegal by reason of any commissioner after his appointment ceasing to be a freeholder, or moving into any ward where one or more commissioners reside.

Assessments for improvements a lien on real estate.

6. *And be it enacted*, That all assessments for general and local improvements, made by virtue of the act to which this is a supplement, or by virtue of any of the supplements thereto, shall be a lien on the lands and real estate whereon the same is assessed, from the day the same is ratified by the city council, and not before, and shall continue and remain a lien thereon until the said assessment, with the interest and expenses accruing thereon, shall be paid, or the amount thereof discharged by the sale of the said real estate by the city.

Assessments for taxes a lien on real estate.

7. *And be it enacted*, That all assessments for taxes shall be a lien on the lands and real estate bound by such assessment, from the day in each year when the duplicates are delivered to the receiver of taxes, and shall, with the interest and expenses accruing thereon, remain a lien thereon for the space of four years, unless sooner paid or discharged by the sale of said lands and real estate.

Duty of the treasurer.

8. *And be it enacted*, That it shall not be lawful for the treasurer to pay out any moneys of the city, except upon the warrant of the mayor and city clerk, except for interest.

9. *And be it enacted*, That whenever the city council of the city of Elizabeth shall cause any street or sidewalk, or

section of a street or sidewalk, to be paved or flagged with any pavement or flagging, upon which there are or may be letters patent of the United States, the assessment for such improvement shall not be void by reason of any such letters patent, or by reason of there being but one bid for the contract to do said work.

Repealer.

10. *And be it enacted*, That this act shall take effect immediately; and that all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved April 1, 1869.

CHAPTER CCCCXXII.

Supplement to an act entitled "An Act for the preservation of deer and other game, and to prevent trespassing with guns."

Killing game regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person shall, at any time within three years from the passage of this act, kill or destroy any ruffled grouse, commonly called partridge, or any quail, sometimes called Virginia partridge, within this state, under a penalty of fifteen dollars for each and every partridge, or quail, so killed or destroyed; *provided*, that nothing herein contained shall prevent a person from shooting the above named game on his own lands or on the land of others, if their consent be first obtained in writing; said penalty to be sued for and recovered pursuant to the sixth section of the supplement of the act approved March twenty-sixth, anno domini eighteen hundred and sixty-six, to which this is a further supplement.

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

Approved April 1, 1869.

CHAPTER CCCCXXIII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of sections forty-nine, fifty, fifty-one, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve, and one hundred and fourteen, of the act entitled "An Act to regulate Elections," approved April sixteenth, eighteen hundred and forty-six, be applied to any election hereafter to be held in the city of Newark, in this state, or in any ward or election district of said city of Newark.

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

Approved April 1, 1869.

CHAPTER CCCCXXIV.

A Further Supplement to "An Act to authorize the inhabitants of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads, crossings and sidewalks," approved April third, eighteen hundred and sixty-six.

Commissioners may collect moneys as prescribed by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners elected in accordance with section third of said act to collect all moneys ordered to be raised by authority of said section third in the manner prescribed by law for the collection of state and county taxes generally, and that

the said commissioners shall have charge of all public property within said district; and furthermore that the office of street superintendent as prescribed in said section third is hereby revoked, investing the street commissioners with full power to execute the duties of this law.

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

Approved April 1, 1869.

CHAPTER CCCCXXV.

An Act to change the name of the "Zion Church of the Evangelical Association of Greenville, New Jersey," incorporated by a certificate dated the fourteenth day of November, one thousand eight hundred and sixty-seven, and recorded in the clerk's office of Hudson county, New Jersey, on the fifteenth day of November, anno domini, eighteen hundred and sixty-seven.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the religious society or corporation existing in the township of Greenville, in the county of Hudson, and state of New Jersey, and known as the "Zion Church of the Evangelical Association of Greenville," be and the same is hereby changed to "The Evangelical Lutheran Church of Greenville, New Jersey," and by that name shall be known in all courts, places and proceedings.

Titles to lands confirmed.

2. *And be it enacted*, That the title of all lands conveyed to the said society or corporation, before the date and recording of the certificate of incorporation are hereby confirmed, and that the same with all other lands, and real estate and chattels, now claimed and held by the said corporation, and all bequests, gifts and grants, heretofore made and now pending, shall be held by the said corporation the same as if the name or title thereof had not been changed; and further, that all the legal rights and liabilities of said

corporation shall remain the same as if this act had not been passed.

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

Approved April 1, 1869.

CHAPTER CCCCXXVI.

An Act to incorporate the Camden Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Starr, George Browning, George Brewer, Jesse Townsend, Edward Bettle, Maurice Browning and D. Tenney Gage, shall be, and they are hereby constituted and declared a body corporate, in fact and in law, by the name of "The Camden Fire Insurance Company," to be located at the city of Camden, in the county of Camden, in this state, for the purpose and with power to make insurance against loss or damage by fire, upon all buildings, vessels, furniture, merchandize and other personal property; and, in their discretion, to cause themselves to be re-insured. Corporators. Name.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, one of whom shall be president of said corporation, and preside at all meetings of the board, if present, if not, a president pro tempore may be chosen; and a majority of said board shall be necessary to transact business, except that a lesser number may adjourn. Management.

3. *And be it enacted*, That there shall be an annual election of directors, by the stockholders, on the first Monday of April in each year; but if, for any cause such election should not be held, at that time, it may be held on some subsequent day, to be appointed by the board; and, until such subsequent election shall be had, the directors for the time being shall continue in office; that at such elections stockholders may vote in person or by proxy, and shall be entitled to one Election of directors annually.

vote for each share of stock held by them, respectively; that said board, by the secretary or otherwise, shall give public notice of the time and place (which shall be in said city of Camden) of all such elections, by publishing the same in one or more of the newspapers printed in said city for at least two weeks prior to the time of such election, which shall be conducted as prescribed by the by-laws; and if at any time a vacancy should occur in the board of directors such vacancy may be filled by the remaining directors until the next election.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with power in the board of directors to increase the same, from time to time, to any sum not exceeding five hundred thousand dollars, and it shall be divided into shares of fifty dollars each, and shall be deemed personal property.

Commissioners to receive subscriptions.

5. *And be it enacted*, That the corporators mentioned in the first section of this act, or a majority of them, shall be commissioners to receive subscriptions to said capital stock: and when not less than fifty thousand dollars thereof shall have been subscribed for, and paid in cash, they shall call a meeting of the subscribers to said stock by advertisement, published for at least two weeks in one or more newspapers printed in said city of Camden, stating the time and place of such meeting; that the said subscribers present at said meeting shall by ballot elect the first board of directors for said corporation; that to aid in said election said commissioners, or a majority of them, shall attend said meeting and appoint three of said subscribers inspectors of said election, and shall furnish or deliver to them a copy of said subscriptions; and that as soon as conveniently may be after such election the said first board of directors shall convene and organize, by electing one of their number president, and such other officers as they may think proper; and thereupon the said commissioners shall deliver to said board, or such person as it shall direct, the original subscriptions to said stock and pay over all moneys received by them thereon, less their actual expenses; and whenever any increased stock shall be subscribed for the same shall be paid in cash within sixty days.

Election of president.

May purchase and hold real estate.

6. *And be it enacted*, That said corporation shall have power to purchase, hold and transfer any estate, real or personal, required for the transaction of its business; and may invest its capital stock and so much of its surplus earnings

as may be deemed proper to invest in any of the public stocks created by the incorporated cities, and of the townships and counties of this state or of the United States, or bonds of the states of New York, Ohio, Pennsylvania, Massachusetts or Connecticut.

Policies of insurance.

7. *And be it enacted*, That all policies of insurance and other contracts made by said corporation may be made with or without seal, and in such form as the board of directors may think proper; and all such contracts may be made by the proper officers and agents of the corporation without the presence of the board of directors.

May be assigned.

8. *And be it enacted*, That if any property insured by said corporation shall be conveyed or assigned, the policy of insurance thereof may be assigned to the purchaser; but such assignment shall not be binding on said corporation until the same shall have been approved of by the secretary or other authorized officer or agent of said corporation.

Rights of persons insured.

9. *And be it enacted*, That all persons insured by said corporation may sue for and recover for any loss or damage due or payable to him, her or them, if payment be withheld more than ninety days after the amount of such loss or damage shall have been ascertained and said corporation notified thereof; *provided*, that if within that time said board shall determine to rebuild, repair or replace the property lost or damaged, instead of payment, a reasonable time shall be allowed for that purpose.

Proviso.

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

Approved April 1, 1869.

CHAPTER CCCCXXVII.

A Supplement to an act entitled "An Act to provide for the more effectual prevention and detection of crime in the township of Hackensack," approved February twenty-fourth, eighteen hundred and sixty-nine.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement, be and they are hereby extended to the "Northwestern Protective Society of Bergen County," so far as the same are applicable.

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

Approved April 1, 1869.

CHAPTER CCCCXXVIII.

An Act to repeal a supplement to "An Act for the preservation of Clams and Oysters."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to "An Act for the preservation of clams and oysters," which supplement was approved March twenty-sixth, eighteen hundred and sixty-two, be and the same is hereby repealed.

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

Approved April 1, 1869.

CHAPTER CCCCXXIX.

An Act for an appropriation for the Library of the State Prison of the State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and is hereby appropriated for the benefit of the library of the state prison, said appropriation to be expended under the direction of the inspectors of the state prison and the moral instructor. Appropriation for library of state prison.

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

Approved April 1, 1869.

CHAPTER CCCCXXX.

An Act to change the name of Ernest Bigelow to Edward Alden Bigelow.

WHEREAS, James H. Bigelow and Harriet E. Bigelow, of the city of Elizabeth, in the county of Union, are desirous of changing the name of their infant child Ernest Bigelow to Edward Alden Bigelow, and no reason appearing to the contrary; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name Ernest Bigelow, infant child of James H. and Harriet E. Bigelow, of the city of Elizabeth, of the county of Union, be and the same is hereby changed to Edward Alden Bigelow, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Ernest Bigelow. Change of name.

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

Approved April 1, 1869.

CHAPTER CCCCXXXI.

A Supplement to an act entitled "An Act concerning Executors and the administration and distribution of Intestates' Estates," approved April sixteenth, eighteen hundred and forty-six.

Settlement of accounts of executors, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the powers granted by acts now in force to the orphans' courts in relation to the settlement of the accounts of executors, administrators, guardians or trustees, may be exercised by any other court or courts having power to allow and settle such accounts.

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

Approved April 1, 1869.

CHAPTER CCCCXXXII.

A Supplement to the "Acts granting pensions to Joseph Wilson of the county of Hunterdon, and Christopher Wilson, of the county of Mercer."

Pension increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the pensions heretofore paid to Joseph Wilson, of the county of Hunterdon, and to Christopher Wilson, of the county of Mercer, who were soldiers

of the war of eighteen hundred and twelve, be and the same are hereby increased to the sum of one hundred dollars; and the treasurer of this state is hereby authorized to pay to the said Joseph Wilson, of the county of Hunterdon, the sum of one hundred dollars annually, in equal quarterly payments, to commence March twenty-second, eighteen hundred and sixty-nine, and continue during his natural life; and to Christopher Wilson, of the county of Mercer, the like sum of one hundred dollars annually, in equal quarterly payments, to commence March twelfth, eighteen hundred and sixty-nine, and to continue during his natural life.

Approved April 1, 1869.

CHAPTER CCCCXXXIII.

A Further Supplement to the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the Middle township, county of Cape May," approved March twenty-second, eighteen hundred and sixty-five.

Extension of cattle act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine, from running at large in the Middle township, in the county of Cape May," approved March twenty-second, eighteen hundred [and] sixty-five, be, and the same are hereby extended to the township of Dennis, in the county of Cape May, and also to Monroe township, in the county of Camden, and to the township of Greenville, in the county of Hudson.

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

Approved April 1, 1869.

CHAPTER CCCCXXXIV.

A Supplement to an act entitled "An Act to incorporate the Waterloo Mining Company," approved February tenth, eighteen hundred and sixty-nine.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An Act to incorporate the Waterloo Mining Company," be so amended that only twenty-five thousand dollars, instead of fifty thousand dollars, shall be necessary to be subscribed and paid, or satisfactorily secured to be paid, before the said company shall proceed to organize and elect directors as in said act is provided.

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

Approved April 1, 1869.

CHAPTER CCCCXXXV.

An Act to widen and improve a road and avenue from Ridgefield to Englewood, in the township of Hackensack, in the county of Bergen.

Commissioners to improve road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret A. Lydecker, Nathan T. Johnson, Samuel E. DeGroot, J. Vreeland Moore and Nicholas T. Romaine, all of the township of Hackensack, be and they are hereby appointed commissioners with full powers and authority to widen, straighten, grade, macadamize and put in good order all that part of the public road formerly known as the English Neighborhood road, in the township of Hackensack, in the county of Bergen, from the point where it joins the Bergen turnpike at Ridgefield, in the said township,

to the point where it meets the road known as Palisade avenue at Englewood in the said township, as the said public road now runs, or as it may hereafter be altered or relaid in any part of its course by the surveyors of the highway of the said county; and also to grade, macadamize and put in good order all that part of the said Palisade avenue from the point where it is met by the said public road westwardly to the bridge on said avenue near the blacksmith shop of Henry West, in the village of Englewood; *provided*, that the said commissioners shall not make the width of the public road that they are hereby authorized to widen, to exceed sixty feet.

Commissioners shall take oath.

2. *And be it enacted*, That the said commissioners, before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to exercise the powers and perform the duties granted and enjoined by this act, which oath or affirmation shall be filed by the said commissioners within five days thereafter in the office of the clerk of the county of Bergen.

Powers of commissioners.

3. *And be it enacted*, That the said commissioners shall have power to employ all necessary surveyors, workmen and agents to effectually carry out the powers and authority granted in the first section of this act; and for widening and straightening of the road that they are hereby authorized to widen and straighten, may enter upon and take any lands and improvements (including all buildings, except dwelling houses) that may be necessary for that purpose, upon paying to the owner or owners the damage done by taking the said land and improvements, the said damage to be determined by the said commissioners; *provided*, that in determining the said damage done by the taking of the land, they shall only allow for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owner of the land taken.

Proviso.

Work shall be done by contract.

4. *And be it enacted*, That when the said commissioners shall proceed to grade, macadamize or put in good condition the said public road and avenues, they shall do the said work by contract in manner following, and may, if they see fit, do the same in sections of any length at the same or different times: they shall prepare a plan and specifications of the work proposed to be done, which plan and specifications shall at all times after the same are determined upon be open to

the inspection of all parties liable to be assessed for the cost and expense of the proposed improvement; and thereupon the said commissioners shall advertise for not less than four weeks in at least one newspaper published in the county of Bergen for proposals for doing said work, and after said time shall open said proposals and let the said work to the person or persons who shall offer to do it for the least sum of money, but the said commissioners may, if they deem it for the interest of the property owners to be assessed for the said improvement, reject all the offers and re-advertise as above required before they shall let the said work; *provided*, that the said work shall not be let in any case without security from the contractor in such sums as the commissioners may require, not less than one-third of the price for doing said work; *and provided*, that it shall not be lawful for any of the said commissioners to be interested directly or indirectly in any contract given out by them under this act; *and provided further*, that the said commissioners may do any amount of work in the repairs of said road and avenue that may be necessary, not exceeding in expense seventy-five dollars per mile by day labor or in such manner as they shall deem best.

Proviso.

Proviso.

May issue to contractor certificates of indebtedness.

5. *And be it enacted*, That the said commissioners may, on the certificate of a competent surveyor, whom they are hereby authorized to employ for that purpose, of the amount of work done under any such contract, issue to the contractor a certificate or certificates in sums of not less than five hundred dollars as the work progresses, and on completion of the work for the balance due, and a like certificate to the surveyor in payment for expenses incurred, which certificate shall bear interest at the rate of seven per centum per annum until paid; and such certificate shall be receivable in payment for assessments laid by said commissioners as shall be hereinafter provided.

Expenses to be assessed on lands.

6. *And be it enacted*, That when the work under any such contract shall be completed, or the manner of widening and straightening the said public road shall be determined, the commissioners shall assess the costs and expenses of the said improvement, and also such a surplus as they deem necessary to meet the expense of repairs as provided at the end of the fourth section of this act, and such other incidental expenses incurred under this act and not herein otherwise provided for not to exceed one thousand dollars on all the land lying within one half mile of the said public road on the eastwardly

side thereof, and within one half mile in the east of that part of Eagle street in said village of Englewood, extending one half mile northerly from said Palisade avenue, and within one half mile of said avenue on the northerly side thereof, and on the westerly side of said public road from Ridgefield to the brook on the north boundary of the farm of Michael R. Vreeland on all lands between the said public road and the Northern Railroad of New Jersey, and from the said brook to the said Palisade avenue, on all lands between said public road and the Overpeck creek; and the said commissioners shall make the said assessment in proportion to the benefit received, in their judgment, by each owner of said lands, in determining which benefit they shall consider the location, frontage, amount and value of said lands; and they shall make a map showing the location and extent of the land of each owner so assessed, and shall mark the amount of the assessment to such owner on the plat of his land, and shall make a certificate of the whole amount of the assessment, and the assessment to each owner, and annex the same to the said map; whereupon the said commissioners shall give two weeks' previous notice in a newspaper published in the county of Bergen, and by notice posted in three of the most public places along the line of the improvement, that they will meet at a convenient time and place, to be named in the said notice, to hear and weigh all objections to said assessments, and to correct and finally confirm the same.

Manner in which assessment shall be made.

7. *And be it enacted*, That the map and certificate above mentioned when completed according to said final correction and confirmation of the assessment, shall be filed by the said commissioners in the office of the clerk of the county of Bergen, from the time of so filing which map and certificate the said assessment shall be a lien on the lands on which it is laid; and the said commissioners shall make a copy of said map and certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Hackensack, and it shall be the duty of the collector to collect said assessment within sixty days from the time of placing the copy of such map and certificate in his hands, in the same manner that township taxes are collected, and to pay the same over to the holders of any certificate or certificates of said commissioners in sums of fifty dollars or upwards as the same shall come to his hands, endorsing such payments on such certificates, and the said collector shall in the collec-

Assessment a lien on lands.

tion of the said assessment be liable to the same pains and penalties, and entitled to the same fees as in the collection of the annual township taxes.

Land may be sold on non-payment.

8. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid, shall fail to pay the assessment laid thereon within one year from the time of placing the copy of the map and certificate in the hands of the collector, then the land upon which the said assessment is a lien, shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes, in said township of Hackensack, so to raise a sufficient sum to pay the said assessment, and the interest, at the rate of twelve per cent. per annum from the expiration of sixty days from the time of placing such copy in the hands of the collector, and the lawful costs and fees of collection and sale.

Such owner of lands free from road tax.

9. *And be it enacted*, That any owner of lands assessed for the widening or improvement of said public road and avenue as hereinbefore provided for, shall not be liable to any township tax for the repairs of highways for the term of five years from the time of the passage of this act.

Term of office, &c.

10. *And be it enacted*, That the term of office of the said commissioners shall expire at the end of five years from the passage of this act, and in case of the death, disability, resignation or removal from the said township of any of the said commissioners, the vacancy so caused shall be refilled by the remaining commissioners at a meeting called for that purpose, by the election of a new commissioner for the unexpired term, the said new commissioner to be an owner of land liable to be assessed for the widening or the improvement of the road and avenue aforesaid under this act, and the said commissioners shall each have the sum of two dollars per day for each day of actual service performed by them under the provisions of this act.

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

Approved April 1, 1869.

CHAPTER CCCCXXXVI.

An Act to incorporate the Bellamy Britannia and Silver Plating Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Bellamy, John S. Parker, Thomas Judd, James H. Readfield, Edward S. Wright, Bernard J. Ford, Joseph Beattie and James Bishop, and their associates and successors, be and they are hereby created a body politic and corporate by the name of "The Bellamy Britannia and Silver Plating Company," for the purpose of manufacturing and selling britannia and silver plated ware of various kinds and other articles connnected with said business; and for that purpose may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof. Corporators. Name.

2. *And be it enacted*, That the company may carry on their business at any place in the county of Essex, and may establish their principal office at such point in said county as they shall deem proper, and may change the same as the directors may determine. Place of business, &c.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and may be increased to two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and as soon as a transfer and conveyance shall be made to this company by the said William Bellamy, of the property, effects, assets, and real estate now owned, occupied and used by him in the manufacture of britannia and silver plated ware in Newark, which together represent his said capital of fifty-six thousand dollars, it shall be lawful for said company to commence their business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations and increase the capital necessary for that purpose, which a majority of the directors are authorized to do to the amount hereinbefore mentioned, and it shall be lawful for the directors, or a majority of them, to call and demand from the Amount of capital stock.

stockholders respectively, all sums of money by them subscribed of the said capital stock or to the increased capital, above the said sum of one hundred thousand dollars, at such times and in such proportions as they shall think proper, under pain of forfeiting the shares subscribed, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers, published in or near the place where such payments shall be required to be made.

Directors, how elected, and their powers.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by not less than five nor more than eleven directors, being stockholders, one of whom shall be president; and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the fifteenth day of May next, and until others are elected in their stead; that thereafter the directors shall be chosen annually on the fifteenth day of May, at such place and on such notice as the by-laws shall fix; that all elections shall be by ballot, and each share of stock shall be entitled to one vote, which may be given by the holder thereof in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or of this act; and any vacancy in the board of directors may be filled for the unexpired time by a majority of the same; that a majority of the directors shall be residents of this state; and the directors may appoint such officers and agents as they may deem necessary, and may by their by-laws fix their duties and compensation.

Transfers of stock.

5. *And be it enacted*, That the stock and property of the said corporation shall be deemed personal estate and be transferred in such manner as the by-laws shall prescribe; that certificates of stock shall be made to the stockholders by the directors, and no transfer of stock shall be valid or effectual until such transfer be entered on the book or books to be kept by the directors for that purpose; and the said directors may make dividends from time to time; but no dividend shall be declared or paid except from the actual net profits of said corporation.

6. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county at least three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein; and upon such dissolution the directors for the time being or the survivors or survivor of them, or such other person or persons as the board shall appoint for that purpose shall be trustees or trustee for settling the affairs of the company and paying its debts and dividing the surplus among the stockholders according to their respective interests therein. How dissolved. Proviso.

7. *And be it enacted*, That this act shall continue in force for the period of thirty years, unless dissolved as aforesaid, but the same may be altered or amended by the legislature whenever the public good may require it. Limitation.

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

Approved April 1, 1869.

CHAPTER CCCCXXXVII.

A Supplement to an act entitled "An Act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That four of the corporators named in the first section of the act to which this is a supplement shall constitute a quorum for the transaction of business. Quorum.

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

Approved April 1, 1869.

New Jersey State Library

CHAPTER CCCCXXXVIII.

A Further Supplement to the act entitled "An Act to incorporate the Newark Library Association."

Property free from taxes and assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That should the Newark Library Association at any time sell the property they now occupy in the city of Newark, and invest the proceeds, or any part thereof, in other real estate in said city, the exemption from taxes and assessments specified in the act, and supplement to which this is a further supplement, shall apply, in like manner, to said newly acquired property, so long as the whole of the income of said association shall be expended to promote the object set forth in said act.

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

Approved April 1, 1869.

CHAPTER CCCCXXXIX.

A Further Supplement to the act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six.

Amount of state tax to be raised, and how appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected, on the inhabitants of this state and upon their taxable real and personal property, and upon the other objects liable to taxation, a state tax of three hundred and fifty thousand dollars, which is hereby appropriated and shall be applied as follows: two hundred and eighty-three thousand dollars or so much thereof as may be needful for the payment of such interest as shall have accrued on the

first day of January next, and on the first day of July next thereafter, on loan authorized by an act entitled "An Act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the several supplements thereto; and the residue thereof, above what may be necessary to pay the said interest, shall be applied and added to the sinking fund, provided for by the fifth section of said act, towards the payment of the principal of said loan; and sixty-seven thousand dollars of the said tax shall be applied, or so much thereof as may be needful, to the payment of any other indebtedness of the state, and the residue thereof to any other uses of the state; which said state tax shall be and the same is hereby apportioned to and among the several counties of this state, as follows, that is to say:

To the county of Atlantic the sum of three thousand and three dollars and forty cents;

To the county of Bergen, the sum of fourteen thousand five hundred and fifteen dollars and seventy-nine cents;

To the county of Burlington, the sum of eighteen thousand and ninety-three dollars and seventy cents;

To the county of Camden, the sum of eleven thousand four hundred and eighty-nine dollars and twenty cents;

To the county of Cape May, the sum of two thousand two hundred and twenty-eight dollars and twenty cents;

To the county of Cumberland, the sum of seven thousand two hundred and seventy-six dollars and forty-eight cents;

To the county of Essex, the sum of fifty-eight thousand seven hundred and thirty dollars;

To the county of Gloucester, the sum of eight thousand five hundred and sixty-one dollars and seventy-three cents;

To the county of Hudson, the sum of fifty-four thousand nine hundred and three dollars and eighty-three cents;

To the county of Hunterdon, the sum of eighteen thousand seven hundred and four dollars and eighty cents;

To the county of Mercer, the sum of nineteen thousand and sixty four-dollars and ninety-three cents;

To the county of Middlesex, the sum of fifteen thousand three hundred and sixteen dollars and thirteen cents;

To the county of Monmouth, the sum of eighteen thousand five hundred and seventy-four dollars and sixty-two cents;

To the county of Morris, the sum of sixteen thousand one hundred and five dollars and forty cents;

To the county of Ocean, the sum of three thousand three hundred and seventy-five dollars and forty-four cents;

To the county of Passaic, the sum of fifteen thousand one hundred and ninety-eight dollars and thirty-nine cents;

To the county of Salem, the sum of twelve thousand and eighty-five dollars and forty-nine cents;

To the county of Somerset, the sum of ten thousand seven hundred and twenty-seven dollars and forty-two cents;

To the county of Sussex, the sum of eleven thousand six hundred and seventy dollars and ninety-seven cents;

To the county of Union, the sum of fourteen thousand nine hundred and forty-three dollars and sixty cents;

To the county of Warren, the sum of fifteen thousand four hundred and thirty dollars and forty-three cents;

Mode of assessment and collection

Which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the above recited act entitled "An Act concerning Taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes except as in and by this act is otherwise ordered and directed; *provided*, that it shall be the duty of the county collectors of the several counties of this state to pay to the treasurer of this state the quotas due from their respective counties of the taxes imposed by this act, on or before the tenth day of December, next after the passage of this act, and at the same time annually thereafter; and it shall be lawful for the said county collectors and they are hereby required to pay the said quotas out of the first moneys which shall be paid to them by the several township or ward collectors of their respective counties; and said township or ward collectors are hereby required to pay the taxes by them severally collected to the collectors of their respective counties on or before the first day of December, next after the passage of this act, and at the same time annually thereafter, anything in any former law to the contrary notwithstanding.

Proviso.

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

Approved April 1, 1869.

CHAPTER CCCCXL.

A Further Supplement to an act entitled "An Act for the Punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty for certain specified offences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall sell, or offer to sell, or shall give away, or offer to give away, or have in his or her possession with intent to sell or give away, any obscene and indecent book, pamphlet, paper, drawing, painting, lithograph, engraving, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, or article or medicine, for the prevention of conception or procuring of abortion, or shall advertise the same for sale, or shall advertise any article or medicine with a caution against its use during pregnancy, or write or cause to be written, or print or cause to be printed, any circular, handbill, card, book, pamphlet, advertisement or notice of any kind, stating where, how or of whom, or by what means any of the said indecent and obscene articles and things hereinbefore mentioned, can be purchased or otherwise obtained, or shall manufacture, draw and expose, or draw with intent to sell or have sold, or print any such articles, every such person shall, on conviction thereof, be imprisoned in the county jail, not more than one year, or be fined not more than one thousand dollars for each offence, one-third of said fine to be paid to the informer upon whose evidence the person so offending shall be convicted, and the remaining two-thirds to the school fund of the county in which such offence shall be committed.

Further penalties.

2. *And be it enacted*, That if any person shall deposit, or cause to be deposited, in any post office within this state, or place in charge of any express company or person connected therewith, or of any common carrier or other person, any of the obscene and indecent articles and things mentioned in the first section of this act, or any circular, hand bill, card, advertisement, book, pamphlet or notice of any kind, stating where, how or of whom such indecent and obscene articles or things can be purchased or otherwise obtained, with the in-

tent of having the same conveyed by mail or express, or in any other manner, or if any person shall knowingly or wilfully receive the same with intent to carry or convey, or shall carry or convey the same by express or in any other manner, every person so offending shall, on conviction thereof, be subject for each offence to the same fines and penalties as are prescribed in the said first section of this act for the offences therein set forth, and said fine shall be divided and paid in the same manner as therein provided.

Proceedings against offenders.

3. *And be it enacted*, That all magistrates are authorized on due complaint, supported by oath or affirmation, to issue a warrant directed to the sheriff of the county within which such complaint shall be made, or to any constable or police officer within said county, directing him, them or any of them, to search for, seize and take possession of such obscene and indecent books, papers, articles and things, and said magistrate shall transmit, enclosed and under seal, specimens thereof to the district attorney of his county, and shall deposit within the county jail of his county, or such other secure place as shall seem to him meet, enclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under the provisions of this act, forthwith destroy, or cause to be destroyed the remainder thereof so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction.

Duty of presiding judge.

4. *And be it enacted*, That it shall be the duty of the presiding judge of every court of sessions of oyer and terminer, within this state, especially to charge the grand jury at each term of said court to take notice of all offences committed in violation of any of the provisions of this act.

Approved April 1, 1869.

CHAPTER CCCCXLI.

An act to amend an act entitled "A further supplement to an act authorizing the appointment of Commissioners to lay out and map streets, avenues and squares in that part of Bergen Township south of the Morris canal, in the county of Hudson," which supplement was approved April seventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is an amendment shall be amended by striking out the words "Provided such changes, alterations and improvements are requested in writing by the owners of five-eighths in value of the property on the line of said streets, avenues, alterations or improvements," also that the fourth section of said act shall be amended by striking out the words "and plots" from the proviso of said section; also that the sixth section of said act shall be amended by inserting between the words "streets" and "shall" the words, "where other streets or avenues are not laid in lieu thereof." Amendment.

2. *And be it enacted*, That all parts of said act inconsistent with this are hereby repealed, and that this act is a public act and shall take effect immediately. Repealer.

Approved April 1, 1869.

CHAPTER CCCCXLII.

An Act to incorporate the Odd Fellows Hall Building Association of the town of Union, Hudson county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Reinhardt, junior, Edward Thomssen, Anthony I. Stades, Henry Kiel, George Corporators.

Neuscheler, junior, Frederick Ruempler, Henry Schmidt, August Klenck, John Hachenberg, Conrad Dietz, Valentine Bloch, Charles Bernhammer, Charles Waas, Louis C. Hauenstein, William Rehmer, John Merz, August F. Schlott, William Sauter, William Broecker, Gustav Foerch, Theodore C. W. Eggerking, Louis Kapp, Daniel Bermes, Frederick Schæfer, junior, Louis Mitschell, junior, John A. Ross and Anthony Michel, their successors and such persons as now are or hereafter may be associated with them, shall be and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Odd Fellows Hall Building Association of the town of Union."

Name.

Objects.

2. *And be it enacted*, That the object of said association shall be the erection of an Odd Fellows Hall in the town of Union, for which purpose they shall be authorized and empowered to purchase and hold such real and personal estate, as may be necessary for the purpose of said association, and erect thereon such building or buildings as may be necessary, and also to manage the same in such lawful manner as may be for the best interest of the association.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said association shall not exceed the sum of one hundred thousand dollars, to be divided into shares of ten dollars each, the said shares to be deemed personal property, and transferable in such manner as the laws and regulations of said association shall direct.

Powers of directors.

4. *And be it enacted*, That the government of the association, the management and disposition of its stock, property and concerns, shall be vested in twenty-seven directors, to be chosen from among the stockholders at their first meeting, who shall be elected to serve for the period of one, two and three years, and at their first meeting they shall select by lot nine directors for each of said terms, and annually thereafter nine directors shall be elected by the stockholders, to serve for the period of three years, and should any vacancy or vacancies occur during the interval between the annual elections by reason of death, resignation or otherwise, in such cases the remaining directors or a majority of them may proceed to choose persons from among the stockholders to fill such vacancy or vacancies; *provided further*, that the directors shall choose from among their own body a president, a vice president, a secretary and a treasurer, who shall sever-

Proviso.

ally hold their offices for the term of one year, and until the election of their successors; *provided further*, that any officer may for official misconduct be removed by the directors; *provided further*, that the directors shall keep or cause to be kept proper books of account, in which shall be kept a record of all the transactions of the association, which books shall at all times be subject to the inspection of the stockholders, his, her, or their legal attorney or attorneys; they shall also adopt and enforce such regulations and by-laws for the government of the business of the association as they may deem necessary. Proviso. Proviso.

5. *And be it enacted*, That the election of directors, as aforesaid, shall be held annually on the first Monday in June, at such hour and place in the town of Union as may be directed by the by-laws of said association; *provided*, that at least five days' public notice of such election shall be given in one newspaper published in the county of Hudson, and at such election each stockholder shall be entitled to one vote in person; *provided further*, that in case it should at any time happen that an election should not be held on the day that, pursuant to the provisions of this act, it ought to be held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws of said association. Election of directors. Proviso. Proviso.

6. *And be it enacted*, That the following named persons shall be commissioners for the purpose of receiving subscriptions to the capital stock of said association and organizing the same, to wit: John Reinhardt, junior, Edward Thomson, Anthony I. Stades, Henry Kiel, George Newscheller, junior, Frederick Ruempler, Henry Schmidt, Augustus Klenck and John Hackenberg; and whenever the sum of two thousand dollars shall have been subscribed to said stock it shall be the duty of the commissioners to call a meeting of the subscribers for the purpose of organizing said association; *provided*, that at such organization no subscription or vote shall be valid or received unless there shall have been paid ten per centum on each share of the stock subscribed and claiming a vote in such organization; *provided further*, that the directors may require such further installments or payments upon the stock to be made at such time as they may direct; and any stockholder neglecting or refusing to pay the installments as required by the directors, within thirty days after being duly no- Commissioners to receive subscriptions. Proviso. Proviso.

tified, his, her or their installments and payments already made may be forfeited to the association by a vote of the directors.

May purchase and hold real estate.

7. *And be it enacted*, That whenever the sum of two thousand dollars of the stock as aforesaid has been subscribed for and twenty per centum of each share so subscribed shall have been paid as required by the directors, the directors may purchase such lands and hereditaments as may be necessary for the purposes of the association, and cause to be erected thereon such buildings as may be deemed by them needful and proper for the purposes of the association.

May borrow money and secure the same by mortgage.

8. *And be it enacted*, That the said association may borrow on bond and mortgage, or otherwise, any sum of money not exceeding ten thousand dollars, and may mortgage any property they may own to secure the money so borrowed.

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

Approved April 1, 1869.

CHAPTER CCCCXLIII.

An Act to incorporate Saint Mary's Orphan Asylum in the City of Elizabeth.

Corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Right Reverend James Roosevelt Bayley, D. D., Bishop of the Roman Catholic Diocese of Newark, the Very Reverend Michael A. Corrigan, D. D., Vicar General of said Diocese, Reverend M. E. Kane, John Macklin, John Ryan, James McColes, Henry De Casse, Bernard O'Neil, Francis McGee, William D. Quinn, William J. Tenney, and their associates, are hereby constituted a body politic and corporate, in fact and in name, by the name

Name.

of "Saint Mary's Orphan Asylum in the City of Elizabeth," and as such shall have power to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments in

fee simple or otherwise, or any goods, chattels, legacies, donations, annuities, or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of said corporation.

Election of trustees.

2. *And be it enacted*, That on the second Monday of January next, and annually thereafter, there shall be an election of five trustees, who shall hold their offices for one year and until others are elected in their stead, and who, with the Roman Catholic bishop for the time being, and the vicar general for the time being of said diocese, and the pastor of Saint Mary's of the Assumption Roman Catholic Church in the City of Elizabeth, shall constitute a board of directors of said corporation hereby created; and said bishop for the time being, and said vicar general for the time being, and the pastor for the time being of said church, shall always be ex officio directors of the corporation; and said bishop for the time being, or, in his stead, said vicar general for the time being, shall always be ex officio president, and said pastor for the time being shall be always ex officio vice president of said board of directors; and a majority of the members of said board shall be a quorum for the transaction of business; which election shall be held under the direction of the directors for the time being, at such place and on such notice as they shall think expedient; and in case any vacancy shall happen in the said board by death, removal, resignation, or otherwise, such vacancy may be filled by the said board until the next election; *provided*, no person shall vote at any such election other than the regular members of the said corporation who shall have paid at least one dollar during the year next preceding such election, for the use of the said corporation, or shall have paid twenty five dollars at one time, which shall constitute a life member; and a majority of such members voting at any such election shall be required for the election of such directors; and the persons named in the first section of this act shall constitute the first directors of the said corporation.

Proviso.

Objects.

3. *And be it enacted*, That the object of said corporation shall be the support and instruction of destitute orphan children, to be selected by said corporation, under such regulations as the said directors shall ordain, and to provide a suitable asylum for such children, to be located in the City of Elizabeth; and for the purpose of better educating said

children, they shall be trained to habits of industry, and have the benefit of moral and religious instruction.

May receive orphan children from overseers of the poor.

4. *And be it enacted*, That it shall be lawful for the said directors to receive from the overseers of the poor, or other persons having lawful power in the premises, such orphan children as it may be deemed desirable to place under their care, and to have the same bound to them in the same manner, and subject to the same laws and regulations as such children may be bound to other parties; and the said directors, when the children under their care arrive at the proper age, and their interests require it, shall have the power to bind out said children as they would have under the laws of this state if they were their legal guardians; such binding to the said corporation, and binding out by them, to be subject to all the laws and regulations of this state for the protection of such children.

Officers.

5. *And be it enacted*, That the said board shall, as soon as conveniently may be after the passage of this act, elect one person who shall act as secretary, and one person who shall act as treasurer, and may appoint such other persons as to them shall seem meet, properly to conduct the business and affairs of the corporation; and the said officers shall hold their office during the pleasure of the directors, *provided*, that the treasurer shall give bond in such sum and with security as the by-laws shall direct for the faithful performance of his duties.

Proviso.

Property free from tax.

6. *And be it enacted*, That the property and effects of the said corporation held and used for the purposes contemplated by this act, shall not be subject to the imposition of any assessment or tax.

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

Approved April 1, 1869.

CHAPTER CCCCXLIV.

A Supplement to "An Act to incorporate the Town of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

Rate of interest on certificates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all improvement certificates exceeding in amount one hundred dollars, given to any contractor by the council of said town under any contract, shall bear interest at the rate of seven per centum per annum from the date thereof.

Recorder.

2. *And be it enacted*, That hereafter there shall be elected at the annual town election held in said town of Union, a recorder of said town, who shall hold his office for one year, unless sooner removed by the council of said town for good cause; he shall have the same powers and authority in said town as the recorder of the city of Hoboken has in said city; all fines collected by him shall be paid immediately to the town treasurer for the use of said town; and he shall receive such compensation not exceeding three hundred dollars, as the council may from time to time determine; all vacancies in said office shall be filled by the council of said town until the next annual town election.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 1, 1869.

CHAPTER CCCCXLV.

A Supplement to "An Act to facilitate judicial proceedings in the county of Hudson," approved March seventeenth, eighteen hundred and sixty-eight.

Power and jurisdiction of quarter sessions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the court of general quarter sessions of the peace of the county of Hudson to try all indictments, except for treason and murder, and to proceed to judgment thereon, any law or statute to the contrary notwithstanding; *provided*, that all indictments for offences not triable in said court before the passage of this act shall be first ordered by the court of oyer and terminer and general jail delivery to the said court of general quarter sessions for trial as aforesaid; *and provided also*, that none of the last mentioned indictments shall be so tried unless the justice of the supreme court holding the circuit for said county, or the president judge of the common pleas specially appointed under the act to which this is a supplement, shall be present; *and provided also*, that notwithstanding this act and any order as aforesaid, the said court of oyer and terminer and general jail delivery may at its option try and determine any such indictment as heretofore.

Proviso.

Proviso.

Proviso.

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

Approved April 1, 1869.

CHAPTER CCCCXLVI.

An Act to facilitate the collection of taxes in the township of Franklin, in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, eighteen hundred and sixty-eight, be and the same are hereby extended to the township of Franklin, in the county of Gloucester. Extension of act to collect taxes.

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

Approved April 1, 1869.

CHAPTER CCCCXLVII.

A Supplement to an act entitled "An Act to incorporate the Paterson Land Improvement Company," approved March twenty-second, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to take and hold real estate, personal property, or securities of any description, mortgaged, transferred or pledged to said company to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgages or other securities for the recovery of the moneys thereby secured, either in law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate or other commodity in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate or May hold real and personal estate.

other commodity to mortgage, sell, exchange or otherwise dispose of; and said company shall have perpetual succession, and may invest their capital and accumulating funds from time to time in public stocks, bonds and mortgages, notes and other securities.

Not dissolved by failure to elect.

2. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to the original act it ought to have been made, the said company shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct.

Management.

3. *And be it enacted*, That the management of the concerns of the said company shall be vested in a board of not less than five nor more than nine directors, to be selected from the stockholders of said company.

Repealer.

4. *And be it enacted*, That the sixth section of the act to which this is a supplement, be and the same is hereby repealed.

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

Approved April 1, 1869.

CHAPTER CCCCXLVIII.

An Act to incorporate the Bloomfield Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Chambers, James Peck, Elias O. Doremus, Antoine G. McComb, Warren S. Baldwin, and Joseph L. Munn, and such other persons as may be hereafter associated with them, and their successors, are hereby constituted a body corporate, in fact and in law,

Name.

under the name of "The Bloomfield Trust Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereafter provided.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, but when one hundred thousand dollars shall have been actually subscribed, and fifty thousand dollars paid in, in cash, the said company may organize and proceed to business under this act. Amount of capital stock.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts, or other property, and to take the management, custody and charge of real or personal estate and property, and to advance moneys, securities and credits upon evidences of debt or any property, real or personal, on such terms as may be established by the directors of said company; but no rate of interest to exceed seven per centum per annum shall be charged or received by said company upon any transaction. May have power to guarantee payment of debts, &c.

4. *And be it enacted*, That the business and the corporate powers of said company shall be exercised by a board of eleven directors, to be chosen as hereinafter provided, who shall elect from their number a president, five of which directors shall constitute a quorum for the transaction of business, and the principal office of said company shall be located in the county of Essex, in this state. Place of business.

5. *And be it enacted*, That the persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company at such time and place as they or a majority of them shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars, as hereinbefore provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act and until others are elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the stockholders, voting at an election to be held under the Commissioners to open books of subscription.

inspection of said commissioners, within twenty days from the closing of the subscription called for by them; and all the directors must be stockholders in said company.

General powers.

6. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property, as they may determine that the interests of the company may require; and the said company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

May increase capital stock.

7. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Stock transferable.

8. *And be it enacted*, That the stock of said company shall be transferable only on the books of said company.

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

Approved April 1, 1869.

CHAPTER CCCCXLIX.

An Act for the working of roads in the township of Livingston, in the county of Essex.

Improvement of roads, and amount of money raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of said township at their annual town meeting, by a majority of legal voters present, shall vote for and determine the amount of money to be raised for the improvement, repair and maintenance of the roads therein, and the same shall be assessed and collected in the same manner as other taxes are assessed and collected in said township, unless the person or party taxed shall elect to work out the same as hereinafter provided.

How road tax may be worked out.

2. *And be it enacted*, That if the taxpayer shall choose to work out said road tax he or they shall give notice, in writing, to the overseer or overseers of their district of such intention within at least twenty days after said annual meeting, and two-thirds of the tax shall be worked out before the first day of July and the remainder before the twenty-fifth of September in each year, said work shall be performed when required by the overseer of the district in which it is to be done upon two days' previous notice; and if the party so notified shall refuse or neglect to work said tax as aforesaid, the same shall be collected in the same manner as other township taxes are collected, and when worked out the overseer shall give a receipt therefor, which shall be evidence to the collector of taxes of the payment of the same.

Duty as to payments.

3. *And be it enacted*, That the chairman of the town committee shall pay no money so raised to the overseer of said district unless he is satisfied that said money has been judiciously expended in the district.

Duty of the overseers of road districts.

4. *And be it enacted*, That it shall be the duty of the overseers of the respective road districts to notify each resident taxpayer in his district, giving him at least two days' notice of the time and place when and where the work is to be done, requiring said taxpayer if possessed of a team or teams, to work with such team or teams if wanted, and also to keep a book of all work done on said district and also of all matters

pertaining to his office, and exhibit the same, under oath or affirmation that the same is correct, before the town committee at their meeting on the first Monday in October; and in case any overseer or overseers shall fail to perform any of the duties of his office, upon the complaint of any five taxpayers of such district to the township committee, said committee is empowered to investigate said complaint, and in case said overseer is found delinquent in the duties of his office to appoint one in his stead to fill the unexpired term of said delinquent, and for the neglect of any of the duties by the said overseer he shall forfeit the sum of twenty dollars, to be recovered in an action of debt by any resident of the township, one-half of said money to go into the school fund of said township, and the other half to the complainant.

Penalty for failure to perform his duties.

Forfeiture of right to work out tax.

5. *And be it enacted*, That any persons refusing or neglecting to work out their tax in accordance with the above requirements shall forfeit all right to work out their tax for said year.

Repealer.

6. *And be it enacted*, That this act shall take effect immediately, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 1, 1869.

CHAPTER CCCCL.

Supplement to an act entitled "An Act to authorize the Star Brick Company to purchase, held and convey real estate in New Jersey," approved March second, eighteen hundred and sixty-nine.

Power to open and use right of way.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Star Brick Company are hereby authorized and empowered to open and use the right of way over and across any lands located between their factory in the township of Perth Amboy, and any point on Woodbridge creek, or Kill Von Kull, or Staten Island Sound;

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provided, said company shall first pay, or make a tender of

payment to the owner or owners of such lands, reasonable compensation for the use and occupancy of such right of way.

2. *And be it enacted*, That if said company and the owner or owners of said lands cannot agree upon the compensation, then the company, and the owner or owners aforesaid, shall each choose one commissioner; who shall choose a third, and said three commissioners shall constitute a board of arbitration, who shall take an oath to faithfully and impartially assess the damages accruing to such owner or owners of said lands, for said right of way; and who shall render an award or compensation in writing, signed by all, or a majority of said board of arbitration; and said written award when filed in the clerk's office of the county clerk of Middlesex county, shall be final between the parties; and said right of way thereafter shall be perpetual in said company, their successors and assigns. Proceedings when company and owners cannot agree.

3. *And be it enacted*, That said board of arbitration shall be selected within ten days after the tender of payment by said company as in section one of this act provided; and said board of arbitration shall make and file their award within ten days thereafter; and in case of the failure thereof in either instance, the said company is authorized to have, hold, use and occupy said right of way to the extent and for the purposes aforesaid, as if such award had been made and filed; *provided*, that said company shall deposit the amount tendered as in first section provided, in the hands of the treasurer of Middlesex county, subject to the order of such owner or owners aforesaid. Arbitrators, when selected

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

Approved April 1, 1869.

CHAPTER CCCCLI.

An Act to incorporate the Trenton Ice Company.

Corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Robert C. Belville, Alexander M. Johnston and John P. Nelson, and such other persons as may associate with them, shall be, and they are hereby declared to be a body corporate and politic, in fact and in name, by the style and title of "The Trenton Ice Company," and shall be capable of suing and being sued at law and in equity in all respects as natural persons; that they may gather and store ice, to be sold to the citizens of this state and of adjoining states, and to buy, hire, lease and hold all such property, real and personal, as the needs of the business of said company shall require, wherever their said business shall be carried on, and to dispose of the same at their pleasure.

Name and object.

Principal office, where located.

2. *And be it enacted*, That the said company shall locate their principal office at Trenton, in the county of Mercer.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said company shall be thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property; but the same may be increased to fifty thousand dollars by a vote of the board of directors.

Books of subscription to be opened.

4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to receive subscriptions to said capital stock at such times and places as they shall appoint; and when one hundred shares of said stock shall have been subscribed for, and five dollars on each share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to such stock for the purpose of organizing the company by the election of directors; and when the board of directors is organized by the appointment of a president and other proper officers, the commissioners shall deliver to such president all moneys, papers and property in their possession and relating to said company; the said company may begin their operations under this act, and if the subscribers to said stock shall fail to elect directors as herein provided, the persons above named shall be directors for one year and until others are lawfully chosen.

Election of directors.

5. *And be it enacted*, That the business of the said company shall be managed by a board of directors, not less than three nor more than seven in number, each of whom shall be a stockholder in said company; that said board may elect all such officers as they may deem necessary, and may appoint such agents and subordinates as in their judgment are required in their said business; that the directors and president shall hold office for one year and until successors are legally chosen in their stead; that elections for directors shall be held at such time and place, and upon such notice as the directors shall direct. Election of officers.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company, to call in all installments on the stock subscribed for, in such amounts and at such times as they may direct, giving to each subscriber twenty days' notice, either personally or by a general publication in one or more newspapers published in the city of Trenton, and also to declare forfeited to said company all shares upon which default in paying installments shall arise, and all previous payments thereon. General powers.

7. *And be it enacted*, That the said company shall have power to issue stock to subscribers and others in payment or in exchange for any property, real or personal, or for any estate thereon when the same shall be required or proper to be used for and in the conducting of the business of the said company, and to receive the same in payment of subscriptions to the stock; that the stock shall be transferable in such manner as said by-laws shall direct, and no transfer thereof shall be valid until the same is duly entered on the books of the company, and that no dividends shall be declared except out of the net profits. Transfers to be registered.

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

Approved April 1, 1869.

CHAPTER CCCCLII.

An Act to incorporate the Bushkill and Wallpack Bridge Company.

Preamble.

WHEREAS, the legislature of the state of Pennsylvania, by an act approved March twenty-fourth, eighteen hundred and sixty-nine, incorporated a company under the name of the Bushkill and Wallpack Bridge Company, and whereas, it is necessary in order to carry out the provisions of said charter, that the legislature of the state of New Jersey, should pass a law with similar provisions, therefore,

Commissioners to receive subscriptions to capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel G. Peters, Jackson Coolbaugh, H. M. Lorbar, John Heller, A. G. Hull and William Place of Pike county, Pennsylvania, and Calvin Becker, David Bunnell and Martin Hull of New Jersey, or a majority of them, be and are hereby appointed commissioners to open books, receive subscriptions, and organize a company under the name, style and title of the Bushkill and Wallpack Bridge Company, for the purpose of erecting and maintaining a bridge at or near the mouth of Bushkill creek, in Pike county, across the Delaware river to Wallpack township in New Jersey.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, with power to the directors to increase the same to an amount necessary to complete said bridge in a good and substantial manner to carry out the true intent of this act.

May demand and receive tolls.

3. *And be it enacted*, That when said bridge shall be completed as aforesaid, the company may demand and receive toll from travelers and others using the same, and all persons are hereby prohibited from using said river for a public ferry for one mile and a half above and below the location of said bridge, under a penalty of five dollars for every person ferried, to be collected as sums of like amount are or may hereafter be by law collectable in this state or in the state of Pennsylvania.

4. *And be it enacted*, That said company shall be subject

to all the provisions and restrictions, and enjoy all the rights and privileges enumerated in an act of the legislature of the state of Pennsylvania, entitled "An Act to regulate Bridge Companies," approved the twelfth day of April, anno domini, one thousand eight hundred and fifty-five, and the supplements thereto, except so far as they are altered or supplied by this act. Restrictions and liabilities.

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

Approved April 1, 1869.

CHAPTER CCCCLIII.

A further Supplement to an act entitled an "Act to revise and amend the charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be necessary to assess the interest on the Sinking fund debt "and the Sinking fund tax" separately; but both items shall be assessed as "Sinking fund tax." Sinking fund tax, how assessed.

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

Approved April 1, 1869.

CHAPTER CCCCLIV.

An Act for the relief of Joseph P. Brown, of the county of Monmouth.

Amount of pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to pay to Joseph P. Brown, of the county of Monmouth, who was a soldier in the war of eighteen hundred and twelve, or to his order the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and sixty-nine.

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

Approved April 1, 1869.

CHAPTER CCCCLV.

An Act to incorporate the Elizabeth Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Baiz, John H. Rolston, John Sammis, Luther T. Hand, Wade B. Worrell, Joseph Alward, and such persons as may become associated with them, their successors and assigns, be and the same are hereby constituted a body politic and corporate, by the name

Name and object.

of "The Elizabeth Ferry Company," for the purpose of conducting and managing a ferry or ferries between Elizabeth, in the county of Union, in the state of New Jersey, and the city of New York, in the state of New York, and any intermediate point or points in the states of New Jersey or New York; and they and their successors and assigns in

their corporate name shall be and are hereby made capable in law, to have, purchase, receive, lease, hold, and enjoy all such estate real and personal, as may be necessary, useful and proper for the purposes of said ferries; and the same to grant, demise, alien, pledge, convey and dispose of, to make, have and use a common seal, to alter and renew the same at pleasure, and to have and enjoy and exercise all the rights, powers and privileges, pertaining to corporate bodies for the purposes of this act.

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the said Abraham Baiz, John H. Rolston, John Sammis, Luther T. Hand, Wade B. Worrell, Joseph Alward, or a majority of them, shall be commissioners 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.

Directors, how elected.

4. *And be it enacted*, That the stock, property and affairs of the said company shall be managed by seven directors, being stockholders, a majority of whom shall be citizens of this state, one of whom shall be president, who shall hold their office for one year, and until others are elected in their places; whenever two hundred shares of the capital stock shall be subscribed and paid, or satisfactorily secured, the said commissioners shall give notice for a meeting of the stockholders to choose directors; and thereafter the directors shall be chosen by the stockholders at such time and place as may be provided by the by-laws of the said corporation; public notice of the time and place of holding every such election, and of all other meetings of the stockholders shall be given not less than twenty days' previous, in one or more newspapers printed and circulating in the city of Elizabeth, where such election or other meeting shall be held; every stockholder shall be entitled to a vote, either in person or by his authorized agent or proxy, at all meetings of the stockholders, upon each share of the stock held by him; *provided always*, that no person shall vote either in person or by proxy, on his own behalf as the agent or proxy for any

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other or others upon more than one-fourth part of all the stock of the company, and the seven stockholders who shall at any regular election have the greatest number of votes given by the stockholders attending in person or by proxy shall be directors.

General powers.

5. *And be it enacted*, That the directors shall have power to make and establish such by-laws, rules and regulations, for the management and disposition of the affairs and property of the company as may be deemed meet and necessary for the purposes of this act, not inconsistent with the laws and constitution of this state or of the United States, and and the same to alter and repeal; they shall have power to appoint such officers and agents as they may think proper, and to remove them at their pleasure, and also to fill any vacancy which may occur among the directors by death, resignation, or otherwise, and that four of the directors of said corporation shall be competent to transact all business of the said corporation.

Failure to elect not to dissolve.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made at the time when, pursuant to the provisions of this act, it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to make such election at such other time as may be prescribed by the by-laws of the said corporation.

Power to erect and construct a dock, &c.

7. *And be it enacted*, That the directors of said corporation be and they are hereby authorized and invested with all the rights and powers necessary and expedient to locate and construct and maintain a dock at Elizabethport, in the said city of Elizabeth, and erect all necessary works, buildings and appendages thereon, for the purpose of receiving and landing freight and passengers, doing no unnecessary injury to private or other property; *provided*, that the land taken for said dock shall not exceed two hundred and sixty feet in width on the water front, and when the location of such dock shall have been determined upon, and a survey of the same shall have been deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate such land, and to erect docks, wharves, slips, bridges, piers, and all other works and buildings necessary for said ferry pur-

Proviso.

poses; *provided always*, that the payment, or tender of the payment of all damages for the occupancy of said lands be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying said land, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when company and owners of land cannot agree.

8. *And be it enacted*, That if the owners of the said lands on which such docks, wharves, slips, bridges, piers and buildings shall be made shall not be willing to give the same for such purpose, and the said company or owners cannot agree as to the price of the same, it shall be the duty of any one of the judges of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of the county of Union, to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hand and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers before him relating thereto, in the clerk's office of the county of Union, there to be kept as a public record and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Union at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court within five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and

if the said jury be demanded by the company and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the company, and execution issued if need be; but if the said jury be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct, and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid, *provided*, that nothing contained in this act shall be so construed as granting to the said company any lands lying under water belonging to the state below high water mark, without first having made compensation to the state therefor.

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Books of account to be kept

9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, and shall give to the stockholders, whenever by them required at a regular meeting, a full statement of all the affairs of the company.

Penalty for injuries done.

10. *And be it enacted*, That if any person or persons shall willfully injure, destroy, impair or obstruct any wharves, slips, bridges, piers, boats, buildings, fences, gates, engines, machines or other works of said company, the person or persons so offending shall forfeit and pay to said company the sum of one hundred dollars, to be recovered in an action of debt, and in addition thereto, double the amount of the damages sustained by such injury.

Rates of ferriage.

11. *And be it enacted*, That said company shall be entitled to have and receive for transportation over said ferry, the following and no greater rates:

For each passenger,	twenty cents;
For each horse,	fifty cents;
For each cow,	fifty cents;
For each ox,	sixty-five cents;
For each cow and calf,	sixty-five cents;
For each horse and wagon, loaded,	one dollar and sixty cents;
For each horse and wagon, empty,	one dollar;
For each two horse wagon, loaded,	two dollars and sixty cents;

For each two horse wagon, empty, one dollar and sixty-five cents;
For sheep, under ten, each ten cents;
For sheep, over ten, each eight cents;
For hogs, under ten, each twelve cents;
For hogs, over ten, each ten cents;
Barrels of flour, lime, sugar, ale, wines and groceries, fifteen cents;
Heavy goods, manufactures, six cents per hundred;
Heavy goods, transient, seven cents per hundred;
Express wagons, each way, whether loaded or empty, one horse, one dollar;
Two horses, one dollar and fifty cents;
Chairs, common, per dozen, fifty cents;
Chairs, extra, per dozen, one dollar;
Bedsteads, common, each fifteen cents;
Bedsteads, extra, twenty-five cents;
Extension tables, forty cents;
Pianos, boxed, one dollar;
Pianos, opened, owners risk, one dollar;

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

Approved April 1, 1869.

CHAPTER CCCCLVI.

Supplement to an act entitled "An Act to incorporate the Mendham and Chester Railroad Company," approved March twenty-second, eighteen hundred and sixty, and its several supplements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron G. Byram, Jerome L. Stout, John S. Stiger, Theodore W. Phœnix, William C. Baker, Henry C. Pitney and William Hilliard be added to the corporators named in the first section of the act to which this is a supplement. Additional corporators.

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

Approved April 1, 1869.

CHAPTER CCCCLVII.

An Act for the relief of Jotham M. Williams, collector of taxes of the township of Caldwell, in the county of Essex, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, and his sureties (or surety, as the case may be.)

Appointment of a deputy authorized, his powers and duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Jotham M. Williams, collector of taxes for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, to deputize, by writing under his hand, the constable of said township to execute the warrants for collection of delinquent taxes in said years, respectively issued and delivered to said Jotham M. Williams, as collector of taxes for said township, to be executed in respect of delinquent taxes for those years respectively, and that it shall and may be lawful for said constable to execute said warrants respectively as the lawful deputy of and in the name of said Jotham M. Williams as such collector; and that said constable, as to delinquent taxes still uncollected under said warrants, shall, as such deputy, have all the powers and authority, perform the same duties, and be entitled to the same compensation in and for executing said writs that said Jotham M. Williams would have in that behalf if he were still, and continued to be, a resident of said township, and were still lawfully acting as collector of taxes of said township for said years; and on receipt or collection of any moneys under or by virtue of said writs, or either of them, said constable shall pay over the same in like manner as said Jotham M. Williams would by law be required to pay over the same if he were still such collector acting as such in the premises.

2. *And be it enacted*, That on the execution of such deputation and delivering said warrants to said constable, the township committee of said township may discharge said Jotham M. Williams and his sureties (or surety, as the case may be), on his bonds as such collector for said years of and from all liability whatever in respect of said delinquent taxes still uncollected, or for or by reason that the same have not been collected. When principal and sureties may be discharged from liability.

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

Approved April 1, 1869.

CHAPTER CCCCLVIII.

An Act to incorporate the Union County Historical Society of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Orestes A. Brownson, John Gilmary Shea, William J. Magie, Robert S. Green, William A. Coursen, Louis W. Oakley, William F. Day, James R. English, Frederick W. Foote, Henry R. Cannon, John Davidson, George E. Sibley, Andrew Dutcher, John H. Whelan, William J. Tenney, Nathan Harper, Isaac P. Brown, James Ritchie, Edward N. Fuller, A. Oakey Hall, Gus. J. Thebaud, William E. Bloodgood, D. W. C. Hough, Joseph T. Crowell, Henry Stephens and such other persons as may hereafter be associated with them shall be and hereby are ordained, constituted and declared a body politic and corporate, under the name and title of "The Union County Historical Society of New Jersey," to be located in the city of Elizabeth, in the county of Union: and that by that name they and their successors, in all courts of law and equity, may sue and be sued, plead and be impleaded, defend and be defended in all actions, suits and matters whatsoever, and may have a common seal and alter the same at pleasure, and by said corporate name may purchase, hold, mortgage and sell such real and personal es- Corporators. Name. Powers.

tate as the purposes of such corporation may seem to require;

Proviso. *provided*, that the yearly income of such real and personal estate shall not exceed the sum of five thousand dollars, which said real and personal estate shall be free and exempt from all state, county, city, township, ward or other public assessments or taxes so long as said society shall hold, appropriate or use the whole of their income to promote the objects set forth in the second section of this act.

Object. 2. *And be it enacted*, That the said corporation shall have for its object the discovery, procuring and preservation of whatever relates to any department of the history of said Union county, in New Jersey, or of said New Jersey, natural, civic, literary or ecclesiastical, and generally of other portions of the United States of America.

May alter and repeal by-laws 3. *And be it enacted*, That the said society shall organize under this act, within two months after the passage of this act, with such constitution, by-laws and regulations, and with such officers as to a majority of said members may seem meet and proper; and such constitution, by-laws and regulations as may be adopted, the said society may change or repeal at

Proviso. their pleasure; *provided*, that such constitution, by-laws and regulations as may at any time be adopted shall not be repugnant to the constitution and laws of the United States or of this state.

Misnomer not to vitiate any deed, &c. 4. *And be it enacted*, That this act shall be and is hereby declared a public act, and shall be construed most favorably to promote the purposes and designs of the said society, as in the second section of this act declared, and that no misnomer of said corporation in any deed, will, testament, demise or other instrument, contract or conveyance, shall defeat

Proviso. the same; *provided*, the said corporation shall be sufficiently described to show the intention of the parties.

Charter how annulled. 5. *And be it enacted*, That if this society shall appropriate their funds, or any part of their funds, to any purpose other than those contemplated by the second section of this act, and shall be thereof convicted in due course of law, said corporation shall thenceforth cease and determine, and its real and personal estate shall thenceforth vest in the people of this state.

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

Approved April 1, 1869.

CHAPTER CCCCLIX.

An Act to incorporate the Chester Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph C. Kent, John Wesley Pullman, Richard George, Jacob W. Cooper, Edward Kilpatrick, Philip George and William George, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Chester Iron Company," for the purpose of mining and smelting iron and other ores, manufacturing and working iron and steel, and carrying on the business incident thereto, and in dealing in and making all materials used in said business; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding five hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real and personal property purchased or leased by said company for the purpose of their business aforesaid. Corporators. Name and objects.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state. May hold real estate.

3. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said cor- Directors, how elected.

poration, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the corporation shall direct, and until such annual election shall take place, Joseph C. Kent, John Wesley Pullman, Richard George, Jacob W. Cooper and Edward Kilpatrick being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes, and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

First directors

Not dissolved for failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement required

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to the said corporation as nearly as the same can be ascertained.

Location.

6. *And be it enacted*, That the principal office of the said company shall be in the county of Morris, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in elections and other matters submitted to the decision of the stockholders of said corporation,

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, at least three-fourths in value of the stockholders shall

Proviso.

concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

Privileges and liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 1, 1869.

CHAPTER CCCCLX.

An Act to prevent cattle from running at large in the township of Upper Pittsgrove in the county of Salem.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent animals from running at large in the village of Toms River and vicinity," approved March fourteenth, one thousand eight hundred and sixty-seven, be and they are hereby extended to the township of Upper Pittsgrove, in the county of Salem.

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

Approved April 1, 1869.

CHAPTER CCCCLXI.

An Act respecting the Mercantile Court of the City of Newark.

Docket to be transferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to repeal the act constitututing the Mercantile Court of the city of Newark," and the supplement thereto, shall not affect, impair or invalidate any judgments or orders, had, made, or entered, in any proceeding before the judge of the said court, nor any recognizance made or entered into before him, but such judgments, orders and recognizances shall be held to be as valid in all respects and for all purposes, and be carried into effect in the same way and manner as if the said act of repeal had not been passed; the docket of the said mercantile court shall be transferred to the office of the clerk of the court of common pleas of the county of Essex, who shall and may when required to do so, make out transcripts from the said docket under his hand and seal, and certify the same as correct; which said transcripts so certified shall be used as evidence in all courts of law and equity in this state, and have the same force and effect and be liable to the like legal objections as though the said court was still in existence.

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

Approved April 1, 1869.

CHAPTER CCCCLXII.

A Further Supplement to an act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six.

Bank stock to be taxed where owner resides, except that of non-residents, which is to be taxed to the bank

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person shall be assessed in the township or ward where he resides for all shares of the stock of any national bank in this state, or of any bank organized under the laws of this state, owned by him or in his possession or control as trustee, guardian, executor or administrator; and in case said owner, trustee, guardian, executor or administrator shall be a non-resident of this state, then, and in that case, such banks shall be assessed to the amount of such shares so owned or held by non residents as aforesaid, in the manner now provided by statute in the case of other corporations.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved April 1, 1869.

CHAPTER CCCCLXIII.

An Act to change the name of the Methodist Episcopal Church in Elizabethtown, New Jersey.

Change of name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Methodist Episcopal Church in Elizabethtown, New Jersey," be and the same is hereby changed to "The Elizabeth Avenue Methodist Episcopal Church."

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

Approved April 1, 1869.

CHAPTER CCCCLXIV.

An Act to prevent frauds in the sale of Thread.

Spools or packages to be marked with number of yards they contain.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every manufacturer of sewing thread, or person engaged in putting up sewing thread on spools or in packages intended for sale, shall, before the same is offered for sale, affix to each spool or package a label or ticket designating the actual number of yards which such spool or package contains.

Penalty for neglect to affix such marks.

2. *And be it enacted*, That if any manufacturer, or person so engaged as aforesaid, shall purposely neglect to affix such label to each spool or several packages of thread manufactured or put up as aforesaid, or shall, with intent to deceive, affix or cause to be affixed, a label or ticket to any spool or package of thread intended for sale, specifying that such spool or package contains a greater number of yards of thread than such spool or package actually contains, such manufacturer or person shall forfeit the sum of five dollars for each spool or package so without a label or falsely labeled, that shall be sold or offered for sale by such manufacturer or person engaged as aforesaid, to be recovered in an action of debt by any person who shall sue for the same; one-half of said penalty to go to the poor of the township where said suit is brought, and one-half to the person suing for the same.

Penalty for selling or offering for sale.

3. *And be it enacted*, That if any person or persons, selling or dealing in sewing thread at wholesale or retail, shall knowingly sell or offer for sale any sewing thread on spools or in packages, upon which no label, as aforesaid, is affixed, or with intent to deceive, shall sell, or offer for sale, any sewing thread on spools or in packages, on which a label is affixed specifying that such spool or package contains a greater

number of yards than such spool or package actually contains, such seller or dealer, so offending, shall forfeit the sum of five dollars for each spool or package so sold or offered for sale without such label, or falsely labeled as aforesaid, to be recovered in an action of debt by any person who may sue for the same; one-half of said penalty to go to the poor of the township where such action is brought, and one-half to the person sueing for the same.

4. *And be it enacted*, That the provisions of the foregoing act shall not apply to other than cotton thread.

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

Approved April 1, 1869.

CHAPTER CCCCLXV.

An Act for the relief of Jacob Bellis.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Bellis, of Somerset county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey. Rights and privileges restored.

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

Approved April 1, 1869.

CHAPTER CCCCLXVI.

A Further Supplement to "An Act to prevent in certain cases the abatement of suits and reversal of judgments," approved April fifteenth, eighteen hundred and forty-six.

Action not to abate by reason of marriage of female

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no action now pending or hereafter to be brought in any court of record in this state, wherein a female is or may be a party, shall abate, by reason of the marriage of such female after suit brought; but such marriage being suggested upon the record, the action shall proceed to final judgment by the said female and her husband as plaintiffs or complainants, or against them as defendants, as the case may be.

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

Approved April 1, 1869.

CHAPTER CCCCLXVII.

A Supplement to the "Act authorizing the appointment of Commissioners to lay out streets, avenues and squares, in the city of Newark," approved March twentieth, eighteen hundred and fifty-seven.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark are hereby authorized to appoint five commissioners for the purpose of performing the several acts and duties prescribed in the act to which this is a supplement;

Vacancies, how filled.

and that in case of the death, resignation, or refusal to serve, of any commissioner so appointed, the vacancy shall be filled by said common council, and the said commissioners shall be

entitled to receive three dollars for every day they shall respectively be employed in the duties assigned them by this act, to be paid by the mayor and common council of the city of Newark, as provided in the act to which this is a supplement.

Limitation of term of office.

2. *And be it enacted*, That the powers and duties of the said commissioners shall be exercised and discharged within three years next after the date of their appointment.

Act to apply only to city of Newark.

3. *And be it enacted*, That this act shall apply only to any territory that is now or may hereafter be annexed to the corporate limits of the city of Newark.

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

Approved April 1, 1869.

CHAPTER CCCCLXVIII.

An Act to incorporate the Concert Hall Association of Cape Island.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Enoch W. Greene, Charles Rubicam, Francis McIlvaine, George Bockius, Joseph McMackin, George Howell, Whilmon W. Ware, Downs Edmunds, Thomas B. Hughes, Jeremiah E. McCrea, George Hildreth, Robert Rice, John C. Little, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, and they and their successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of "The Concert Hall Association of Cape Island," and by that name shall have power to lease or to purchase and hold real estate in the city of Cape Island, and to there erect or maintain a hall and other improvements for the use of musical and other entertainments, subject to the by-laws and regulations of said corporation.

Name and object.

2. *And be it enacted*, That it shall be lawful for said cor-

May lease parts of the building.

poration to use or lease, and permit to be used such parts of the hall or building or buildings to be purchased or erected by them, as shall not be necessary for holding public meetings, for the purpose of carrying on any trade or business therein, not inconsistent with the laws of this state or the provisions of this charter.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of this association shall be thirty thousand dollars, with the liberty to increase the same thereafter whenever a majority of the directors of the said corporation shall so determine, to any amount not exceeding fifty thousand dollars, which stock shall be divided into shares of fifty dollars each, said shares to be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct.

Directors, and how elected.

4. *And be it enacted*, That the government of the said incorporation, and the management and disposition of its stock, property and concerns shall be vested in not less than three nor more than seven directors, chosen from among the stockholders in the manner hereinafter directed, who shall hold their office for the term of one year, and until others are elected; and in all cases the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been held; and should any vacancy or vacancies occur during the interval between the annual elections by reason of death, resignation or otherwise, in such case the remaining directors, or a majority of them, may proceed to choose persons to fill such vacancy or vacancies; the said directors shall appoint from among themselves a president, secretary and treasurer.

Time of holding election.

5. *And be it enacted*, That the election for directors aforesaid shall be held annually, on the second Tuesday of July, at such place in the city of Cape Island as shall be directed by the by-laws of said incorporation, and public notice of said election shall be given not less than ten days previous thereto, and each stockholder shall be entitled to as many votes, in person or by proxy, as he, she or they shall hold shares of the capital stock of the said corporation.

Books of subscription to be opened.

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

laws of said corporation; and the said Enoch W. Greene, Charles Rubicam, Francis McIlvaine, George Bockius, Joseph McMackin, George Howell, Whilmon W. Ware, Downs Edmunds, Thomas B. Hughes, Jeremiah E. McCrea, George Hildreth, Robert Rice and John C. Little, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said corporation, and to call the first meeting of the stockholders for the election of directors.

Books of account to be kept.

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

Payment of installments.

8. *And be it enacted*, That whenever the sum of ten thousand dollars of the said capital stock as aforesaid is subscribed, and ten dollars on each share paid or secured to be paid in, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and that installments of the shares subscribed may be called in as the wants of the association may require; and any stockholder refusing or neglecting to pay the installments as required by the directors, after thirty days' notice, his, her or their installments paid in may be forfeited to the association by order of the directors.

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

Approved April 1, 1869.

CHAPTER CCCCLXIX.

A Further Supplement to an act entitled "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Four commissioners may be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful to appoint four commissioners for taking the acknowledgment and proof of deeds in each of the townships of South Amboy and East Brunswick, in the county of Middlesex, and five in the town of Newton, in the county of Sussex.

Repealer.

2. *And be it enacted*, That so much of the act to which this is a supplement, and the supplements thereto, as is inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved April 1, 1869.

CHAPTER CCCCLXX.

An Act to prevent cattle, sheep and swine from running at large in the township of Upper Freehold, in the county of Monmouth.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, so far as the said act relates to cattle, sheep and

swine, be and the same are hereby extended to the township of Upper Freehold, in the county of Monmouth.

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

Approved April 1, 1869.

CHAPTER CCCCLXXI.

A Supplement to the act entitled "An Act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren," approved March ninth, eighteen hundred and fifty-three.

Relating to licensing auctions or vendues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said town may pass ordinances prohibiting, regulating and licensing all auctions or vendues of every kind and description, except those made by any citizen of the said town.

Licensing oyster shops, &c.

2. *And be it enacted*, That the mayor and common council of said town may pass ordinances prohibiting, regulating and licensing all oyster shops or cellars, beer shops, ten-pin alleys and ball alleys, billiard saloons and card parlors; the price of assessment for any licenses granted by virtue of this section shall be paid to the mayor of the town, who shall pay the same to the treasurer for the use of the town; and such assessment shall in no case be less than ten dollars nor more than one hundred dollars.

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

Approved April 1, 1869.

CHAPTER CCCCLXXII.

A Further Supplement to an act entitled "An Act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-sixth section of the act entitled "An Act for the settlement and relief of the poor," approved April tenth, anno domini, eighteen hundred and forty-six, be and the same is hereby repealed.

Duty of parents, &c., as to support of poor children, &c.

2. *And be it enacted*, That the father and grandfather, mother and grandmother, and the children and grandchildren, severally and respectively, of any poor, old, blind, lame and impotent person, or other poor decrepit person not able to work, being of sufficient ability, shall at his, her or their own proper charges and expense relieve and maintain every such poor person as aforesaid, in such manner as the said court of quarter sessions shall order and direct, under the penalty of forfeiting and paying for each and every person so ordered to be relieved for every week they shall neglect or refuse so to maintain and relieve such poor person or persons, any sum that the said court may direct, not exceeding six dollars per week, together with all reasonable costs incurred in making application to the court aforesaid for such order of relief.

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

Approved April 1, 1869.

CHAPTER CCCCLXXIII.

An Act to incorporate the German Benevolent Society of Riverside, Burlington County.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Wrightmire, John Opel, Charles Muller, Joseph George, Charles Bocherer, Michael Heisler and Frank Keubler, and those associated with them, and their successors, shall be and they are hereby constituted a body corporate under the name, style and title of "The German Benevolent Society of Riverside, Burlington county," with all the powers and privileges which now do or hereafter may belong to bodies corporate as such under the laws of this state.

Name.

Objects.

2. *And be it enacted*, That the objects of the said society shall be to assist its sick, disabled or needy members or their families, and to aid in defraying the funeral expenses rendered necessary by the death of any member or any person in the family of a member.

May receive gift, grant or devise

3. *And be it enacted*, That for the accomplishment of these objects or any of them the said society shall have power to receive by gift, grant, devise or bequest, and to hold any real or personal estate, not exceeding five thousand dollars in value, and the same to loan, let, sell, exchange or convey in such manner as the said society may deem best, not contrary to the constitution and laws of the United States or of this state.

May make by-laws.

4. *And be it enacted*, That the said society may adopt a constitution, by-laws and resolutions providing for the election, duties and tenure of office of such officers as it may require, and for the management of its affairs, and may add to, alter and repeal the same at its pleasure in accordance with law.

Collection of dues, &c.

5. *And be it enacted*, That the said society may provide for the collection of fees, dues, assessments and fines from its members, to carry out the objects hereinbefore stated, and for the suspension or expulsion of its members for non-compliance with its proper requirements.

6. *And be it enacted*, That the property of the said so-

Property exempt from tax.

ciety shall be exempt from any tax imposed by or under the laws of this state.

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

Approved April 1, 1869.

CHAPTER CCCCLXXIV.

A Further Supplement to the act entitled "An Act for the punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Disqualification removed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any disqualification to hold any office of honor, trust or profit, under this state, heretofore incurred by a conviction under the former supplement to the act to which this act is a supplement (which former supplement was approved April third, eighteen hundred and fifty-five) is hereby abrogated and removed; *provided*, that this act shall not in any otherwise affect any such conviction or the judgment of the court thereon.

Proviso.

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

Approved April 1, 1869.

CHAPTER CCCCLXXV.

A Supplement to an act entitled "An Act respecting Prosecutors of the Pleas of this State," approved April sixteenth, eighteen hundred and forty-six.

Prosecutor of the pleas need not be a counsellor-at-law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the county of Bergen in this state, it shall be lawful for any fit person who is an attorney at law of this state, who shall be duly apppointed prosecutor of the pleas of said county, to exercise and perform all the duties, be entitled to the same fees for services, and subject to the same penalties, as specified in the act to which this is a supplement, although such person shall not be a counsellor at law.

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

Approved April 1, 1869.

CHAPTER CCCCLXXVI.

An Act to incorporate Dover.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that tract of land situate, lying and being in the township of Randolph and county of Morris, and within the limits and boundaries hereinafter mentioned and described, that is to say; beginning at a stone bridge in the road near the house of Mahlon Munson; thence in a straight line to the road to Walnut Grove, including the house of John Conrod; thence in a straight line to the junction of Wallam and Jackson Brooks, passing near the Lawrence farm house; thence in a straight line to the road to Union Hill in front of the old Catholic church; thence in

a straight line to the Dover and Sparta turnpike, including the wheelwright shop of Sylvester Dickerson; thence in a straight line including the house of Sylvester Dickerson, Charles M. Tunis and Stephen C. Berry, to the division line between the townships of Randolph and Rockaway; thence in a straight line to the stone bridge in the road to Morristown, between the houses of Robert and Thomas Oram; thence in a straight line to the stone bridge to the place of beginning, containing about eleven hundred acres shall be and the same is hereby ordained, constituted and declared to be a town corporate, and shall henceforth be called, known and distinguished by the name of Dover.

Town officers. 2. *And be it enacted*, That there shall henceforth be in the said town, a mayor, who shall be the 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 one of them during such absence or other disability, two aldermen and five common councilmen, which mayor, recorder, aldermen and common councilmen, shall be one body politic and corporate, in deed, fact and name, by

Name. the name, style and title of "The Mayor, Recorder, Aldermen and Common Councilmen of Dover," and by that name they and their successors forever 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, 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 said corporation, a majority of the said mayor, recorder, aldermen and common councilmen shall constitue a common council, and in the absence of the said mayor and recorder the said common council may elect from among their number, 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 meet-

Proviso. ing; *provided always*, that no by-laws or ordinances of the said common council shall pass without the concurrence of at least five votes.

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

such of the inhabitants of Dover as reside within the aforesaid limits, and who have resided in the county five months, and in the state for one year immediately preceding the election to be held for town officers, and who are in other respects legal voters, to assemble at the hotel of Isaac B. Jolley, in Dover aforesaid, on the first Monday in May next, and there, by a plurality of votes, to elect a mayor, one alderman and three common councilmen, to hold their respective offices for two years, and a recorder, one alderman and two common councilmen to hold their respective offices for one year; and the tickets to be voted at said election shall state the term for which the said aldermen and common councilmen are respectively elected; and on the first Monday of May in each and every year thereafter the inhabitants aforesaid shall and may hold a like election at such place as may be designated by the common council for such of the said members of the common council whose terms shall have expired; and that at every election after the first election herein provided for, the members of the common council elected shall hold their respective offices for two years, 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 ordinance; *provided*, that the poll shall be open at least from twelve o'clock noon, until seven o'clock in the afternoon; in case of a vacancy in either the office 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 provided further*, that at the first election Mahlon O. Munson and Sylvester Dickerson shall be the inspectors of election, and William H. Lambert shall be clerk; and either of the said inspectors may act, and in case of the absence of the clerk, the inspector or inspectors may appoint a clerk.

Charter election.

Proviso

Proviso.

4. *And be it enacted*, That 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 non-effect, and a new election may be ordered by the

Officers shall take oath.

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.

May impose fines and imprison offenders.

5. *And be it enacted*, That the mayor, recorder, aldermen and common councilmen of Dover, shall and may impose reasonable fines and amercements against and upon all 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 cognizance 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 Morris county, not exceeding six days, together with the cost 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 executive officer commanding him, in case the said offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Morris, 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 be lawful for the said mayor, recorder or either of the said aldermen, before whom such convictions may be had, to issue an execution to said marshal or other executive 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 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.

Proviso.

Duties of the sheriff and jailor.

6. *And be it enacted*, That it shall be the duty of the sheriff and jailor of the county of Morris, to receive from the marshal and other officers of said town, all offenders who shall be apprehended by such marshal or officers, or who shall be

committed to said jail by the mayor or other magistrate or court in this act named, for offences against the by-laws, ordinances and regulations of the common council, and to keep the same as prisoners in the same way, and under the same penalties as other prisoners are by law required to be kept, and put and keep at work in the workhouse of said county all persons sentenced by said, mayor, magistrate or court, for the offences aforesaid, to hard labor in said workhouse, according to the true meaning and effect of such sentence, and that said sheriff and jailor shall for the board and maintenance of said prisoners, have the same remedy and action against the board of chosen freeholders of the county of Morris as they now have for other prisoners in said county, and no other; *provided however*, that the common council of Dover shall pay to the sheriff of the county of Morris for the benefit of the county of Morris, all the jail fees and board of prisoners in the jail of the county of Morris for offences committed against the by-laws and ordinances of the said town of Dover; *provided however*, that such ordinance or by-laws shall not be founded upon any statute or other law of the state under which any justice of the peace may commit to the county jail. Proviso. Proviso.

7. *And be it enacted*, That the said common council shall and may make and appoint a town treasurer, town marshal, town clerk, assessor, collector, street commissioner, and such other subordinate officers as to them may seem proper and necessary for the good government and welfare of the said town; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of the common council, and shall give such security for the faithful performance of the duties thereof to the mayor, recorder, aldermen and common council of Dover as they may order and direct. Officers appointed by council.

8. *And be it enacted*, That the common council shall have sole and exclusive power of licensing all and every inn keeper or tavern keeper, residing within the bounds of said town, subject to 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. Licensing inns.

9. *And be it enacted*, That it shall not be lawful for any person or persons to exhibit or show, within the limits of the said town, for any price, gain or reward, any menagerie, or Shows and exhibitions.

collection of beasts or animals, or any circus, or to exhibit, show or perform any feats of activity or agility of horses or other animals, or their riders, or both, or any such like shows or exhibitions, without having first obtained license for that purpose, from the mayor or a majority of the common council; and before any such license shall be granted, the person or persons applying for the same shall be required to pay into the hands of the mayor or treasurer, such sum of money as the said mayor or a majority of the common council shall deem proper, not less than ten dollars, nor more than one hundred dollars for each day said exhibition or show shall be licensed to continue.

Penalties, how recovered.

10. *And be it enacted*, That all actions for the recovery of any penalty or penalties created or imposed by any by-law or ordinance made and passed by the said common council, may be brought and prosecuted in the name of the treasurer of Dover, without specifying the individual name of the treasurer of the said town 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 as 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 Morristown, according to law, shall in all cases be presumed to have been done until the contrary shall be proved.

Inhabitants not incompetent as witnesses, &c.

11. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the said mayor, recorder, aldermen or common council are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town, 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.

Duty of the collector.

12. *And be it enacted*, That it shall be the duty of the collector of the township of Randolph, on or before the first day of January in each and every year, to pay over to the treasurer of Dover so much of the taxes for the maintenance, working and repair of roads, as shall have been raised by the

said township and collected from the inhabitants residing within the limits of said town for that purpose up to that time; and in case any money has not at that time been collected, the said collector shall pay over to the said treasurer such uncollected balance so soon as collected, which said money, or so much of it as may be deemed necessary shall be expended upon the streets in the town, under such regulations and ordinances as may from time to time be made by the common council; and no person living within the limits aforesaid shall have the privilege of working out his tax.

Powers of council.

13. *And be it enacted*, That the common council of Dover shall have power within said town to make, establish and modify, amend or repeal ordinances for the following purposes:

To manage finances.

I. To manage, regulate and control the finances and property, real or personal of the town;

To prevent vice.

II. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots, disturbances and disorderly assemblages in said town, and at the depots of railroad companies, and to restrain and punish all acts tending to disturb public schools or places of public worship, or to annoy and disturb persons passing to and from such places;

To suppress gaming.

III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame;

To license saloons.

IV. To license and regulate victualing houses or cellars, billiard and bowling saloons, and to regulate, license and restrain beer shops and all places where spirituous, vinous or malt liquors are sold;

To regulate exhibitions.

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

To regulate and grade streets, &c.

VI. To regulate, grade, clean and keep in repair the streets, highways, lanes and alleys and bridges (except county bridges) in said town, and to prevent and remove obstructions, encroachments, incumbrances, in and upon all streets, highways, side-walks, cross-walks, bridges, sewers, drains, acqueducts or water courses in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners

or occupants of the premises fronting thereon, and to restrain, regulate and prohibit the blasting of rock within the corporate limits;

To regulate erection of stoops, &c.

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

To prevent immoderate driving.

VIII. To prevent and punish horse racing within the corporate limits, and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said town, and to designate the crossings at which any railroad company shall be required to station flagmen or signals to warn travelers of the approach of locomotive engines or cars;

To improve public parks.

IX. To regulate, protect and improve the public parks and other public grounds in said town;

X. To provide lamp and gas fixtures and to light the streets, parks and public grounds of every description in said town;

To regulate pumps, &c.

XI. To make and regulate wells, pumps, aqueducts and cisterns in the public streets and squares;

To establish pounds.

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

To destroy dogs.

XIII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes or fines on the owners of dogs;

To locate slaughter houses, &c.

XIV. To locate, regulate, prohibit and remove slaughter houses and the storage and keeping of powder and other combustible materials; to establish and regulate public markets, and when the public market or markets are established to license butchers and hucksters, and designate the times and manner of selling meats, fish, vegetables, fruits, and to prohibit persons from selling such articles without license;

To regulate sale of wood.

XV. To prescribe and regulate the places of vending or exposing for sale hay, straw and wood from wagons and other vehicles;

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

XVII. To abate or remove nuisances of every kind, and to compel the owner or occupant of any butcher's stall, tallow chandler's shop, soap factory, cellar, stable, privy, hog-pen, sewer, drain or other offensive or unwholesome house or place, to cleanse, remove or abate the same, from time to time, in a summary manner, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the town, at the expense of the owner or occupants thereof; to regulate and prohibit any practice having a tendency to frighten animals, or to annoy any person passing in the streets or the sidewalks of said town; To abate nuisances.

XVIII. To license and regulate cartmen, hackmen, auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities; To license cartmen.

XIX. To establish, regulate and control a day and night police, and to define their duties; To establish a police.

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

XXI. To adopt all legal and requisite measures for levying and collecting taxes; To levy and collect taxes.

XXII. To make and establish all other ordinances not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this act, or by any other law of this state, and to alter, modify, amend or repeal the same at their discretion, and to adopt by-laws, resolutions, rules and regulations to carry out any ordinance duly enacted, or to enforce any law of this state, or any part of this act, which they may be required or authorized to perform without an ordinance. To pass all ordinances to carry the same into effect.

14. *And be it enacted*, That it shall and may be lawful for the common council of the said town to make and establish ordinances and regulations for the leveling, grading, curbing, regulating, paving, flagging or graveling of the sidewalks of the said town, the work to be done by the owners or occu- May make regulations for grading sidewalks.

pants of lots fronting or adjoining such sidewalks, and to be superintended by the street commissioner, who, under the direction of the 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 walk shall, by such ordinance or regulation, be directed to be leveled, paved, graded, regulated, flagged or graveled, 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 agreeably 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 of Morristown 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 town 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 buildings and materials which he or they may erect or place thereon; *provided nevertheless*, that in case the own-

If owner does not comply with ordinance work to be done by street commissioner.

Lot sold for default of payment.

Proviso.

er or owners, or their representative or guardian of such owner or owners, be a non-resident or non-residents of the county of Morris, 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 twenty days after the passage of such ordinance, and proof of having put the said written notice in the post office at Dover, 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 as 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 interest 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 every such action the proof of the amount paid by the common council shall be conclusive evidence for the plaintiffs of the amount due; *and provided however*, that no sidewalk shall be paved or flagged unless the ordinance for that purpose shall be passed by a two-third vote of the common council. Proviso.

15. *And be it enacted*, That every ordinance adopted and passed by said common council shall be signed by the mayor, recorder or other presiding officer, at the meeting at which the same is or shall be adopted, and shall be published for two weeks in one of the newspapers published in said county of Morris, and circulating in said town; and no ordinance shall have any force or effect until ten days after the publication day of the newspaper which shall contain the first insertion of such ordinance. Ordinances to be signed and published.

16. *And be it enacted*, That it shall be lawful for the common council whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Morris, and recorded in the book of records of roads and highways for said county, of such streets, roads, highways and alleys as they may think proper, which heretofore have been or at any time hereafter may be opened by the owner or owners of any land over which Surveys of streets.

the same runs, and which have been by such owner or owners dedicated to the public by permitting the public to use the same, and all such streets, roads, highways and alleys when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

No streets to be hereafter laid out except under direction of council.

17. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out and opened within the said town shall be recognized, considered or treated as a public street, road, highway or alley unless the same be laid out and opened under the direction of the common council, or shall be surveyed and such survey filed and recorded as aforesaid.

Expenses of town raised by tax.

13. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax such sum or sums of money as they may think necessary, in each year, for the expenses of said town, in addition to the road taxes received or to be received from the township of Randolph, which sum or sums shall be assessed upon the inhabitants of said town by the assessor, agreeably to the laws and regulations to be made by the common council of said town for that purpose, in the same manner and upon the same basis as township and county taxes are by law assessed and collected, at such time and be paid and disposed of in such manner as the common council shall direct; *provided*, that every person in said town who may think him or herself aggrieved by any fine, penalty or assessment, imposed on them by 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; *and provided further*, that no greater sum than two thousand dollars shall be assessed or raised in any one year by said common council, unless such greater sum shall be first ordered to be raised by the vote of the inhabitants of said town at their annual election, nor a greater poll tax than one dollar per poll shall be levied and assessed in each and every year; but in no event shall the mayor, recorder or any member of the common council receive any salary or compensation for their services except such fees and costs as they may receive by reason of their acting as magistrates as previously provided.

Proviso.

Proviso.

No compensation to mayor, recorder or councilmen.

19. *And be it enacted*, That this act shall take effect im-

mediately 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 1, 1869.

CHAPTER CCCCLXXVII.

An Act to change the name of the First Presbyterian Church, in Parker's Village, on Fox Hill, in the County of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society heretofore incorporated by the name and style of "The President and Trustees of the First Presbyterian Church in Parker's Village, on Fox Hill," shall be hereafter known and distinguished by the corporate name and style of "The President and Trustees of the First Presbyterian Church of Fairmount, in the County of Hunterdon;" *provided*, that the rights of property of the said society shall in nowise be affected by the said change of name. Change of corporate name.

2. *And be it enacted*, That the said trustees and their successors shall, by such name of incorporation, have full power to loan on bond and mortgage, any funds which they now hold, or may hereafter hold in trust for the use of the said society or congregation. Trustees may loan money.

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

Approved April 1, 1869.

CHAPTER CCCCLXXVIII.

A Supplement to the act entitled "An Act to complete the Geological Survey of this State," approved March thirtieth, eighteen hundred and sixty-four.

Survey continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing said survey the annual appropriation of five thousand dollars be and is hereby continued for a further period of four years, subject to be suspended at the discretion of the governor; and the treasurer of the state upon the warrant of the comptroller shall be and is hereby authorized to pay such bills of expenses as may be audited and approved by the board of managers in favor of the state geologist.

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

Approved April 1, 1869.

CHAPTER CCCCLXXIX.

An Act to incorporate the Continental Saw Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Rowley, Gottlieb Maulick, Thomas P. Marshall, Imlah Moore and Jacob R. Freese, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name

Name and objects.

and style of "The Continental Saw Company," for the purpose of manufacturing saws, edge tools and machinery, and carrying on the business incident thereto, and in dealing in and making all materials used in said business; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock

of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real and personal property purchased or leased by said company for the purpose of their business aforesaid. Amount of capital stock.

2. *And be it enacted*, That the said corporation may purchase, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase and hold real estate.

3. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the corporation shall direct; and until such annual election shall take place, George W. Rowley, Gottlieb Maulick, Thomas P. Marshall, Imlah Moore and Jacob R. Freese, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders. Directors, how chosen.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to the said corporation, as nearly as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the principal office of said company shall be at Trenton, in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

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

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 1, 1869.

CHAPTER CCCCLXXX.

An Act to incorporate the Frenchtown Foundry and Machine Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Newbury D. Williams, Peter S. Kugler, David Rittenhouse, Elisha Rittenhouse, Samuel B. Hudnit, Jacob Stover, Reuben R. Wright, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name and style of "The Frenchtown Foundry and Machine Company," for the purpose of carrying on a general foundry and machine business, including the building of steam engines, the casting of stoves, car wheels, mill gearing and all or any branch of the foundry business, and also manufacturing any and every kind of machinery, in the borough of Frenchtown, the county of Hunterdon, in this state, and disposing of the same; and by that name they and their successors shall have sucession and continue a body corporate and politic, and be capable of contracting and being contracted with, suing, pleading, defending, answering, being sued, impleaded, defended and answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, lease, receive, have, hold, enjoy and sell, or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the foundry and machine business authorized by this act.

Name and object.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by seven directors, being stockholders, a majority of whom shall be residents of this state, one of whom shall be president, who shall hold their offices for one year, and until others are elected or appointed in their stead; and the said directors

shall be chosen on the first Tuesday in February in every year, at such time and place as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previously, in one or more newspapers printed and published in said county of Hunterdon; and each stockholder, at such election, shall be entitled in person or by proxy to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving at such election the greatest number of votes, and being stockholders, shall be directors; and the directors so chosen, or a majority of them, may appoint such agents, clerks and superintendents, and assign such compensation as they shall think fit; and all vacancies occurring by death, resignation or otherwise among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint for that purpose, and that the said Newbury D. Williams, Peter S. Kugler, David Rittenhouse, Elisha Rittenhouse, Samuel B. Hudnit, Jacob Stover, Reuben R. Wright, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Tuesday of February, anno domini eighteen hundred and seventy, and until others are legally chosen.

First directors

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as twenty-five thousand dollars of the said capital stock shall have been subscribed, and twenty per cent. thereof, making five thousand dollars, paid in, it shall be lawful for the said corporation to commence their business, or any part of it, and with that capital to carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time, to call for and demand, from the stockholders respectively, all such sums of money by them subscribed, at such times and in such amounts as they shall deem proper, not exceeding fifteen per cent. of the capital stock by them subscribed at any one time, under penalty of forfeiting the shares of said stockholders and all previous payments thereon, if such payment shall not be made within thirty days after the day fixed for that purpose,

Amount of capital stock.

by public notice previously published for the space of three weeks in one or more newspapers printed and published in the said county of Hunterdon, designating the proportion of such payment per share, and the time and place when and where, and the officer to whom the same shall be required to be made.

Stock transferable.

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

Failure to elect not to dissolve.

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

Powers and duties of the directors.

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

Proviso.

Books of account to be kept.

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

How dissolved

Proviso.

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

dividing its surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed and the survivors of them, shall be trustees for the purpose aforesaid.

Limitation.

9. *And be it enacted*, That this act shall unless the corporation be dissolved as above provided for, continue in force for the term of twenty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require.

Approved April 1, 1869.

CHAPTER CCCCLXXXI.

An Act to regulate the Navigation of Raritan Bay.

Vessels may not come to anchor in the channel of the bay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any captain, owner or other person or persons in charge of vessels navigating that part of Raritan bay northeasterly from Keyport Dock, in Monmouth county, for the distance of six hundred yards, knowingly and wilfully to come to or lay at anchor in the channel of said bay, between the limits aforesaid, and hereafter defined.

Width of the channel.

2. *And be it enacted*, That said channel shall be and is hereby declared to be three hundred feet in width, and shall be marked by stakes or buoys in the middle or on either side of said channel before any penalty or damages can be recovered as hereinafter provided.

Penalty for violation of act.

3. *And be it enacted*, That if any person shall offend against the provisions of this act or either of them, such person shall forfeit and pay for every such offence the sum of twenty dollars, one-half to the person or corporation who shall prosecute the same to effect, and the other half to the county treasury, and shall also be liable to any damages named by the person or corporation injured thereby.

4. *And be it enacted*, That for every twenty-four hours any vessel shall lay at anchor as aforesaid in said channel, an additional penalty of twenty dollars may be recovered in manner as aforesaid. Additional penalty.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXII.

An Act to establish a fund in the City of Camden for the relief of Indigent and Disabled Firemen and their Families.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Hufty, Robert S. Bender, Jacob Daubman, James W. Ayres, William Abels, Frank B. Holt, be and they are hereby appointed trustees of "The Camden City Fire Department Charitable Fund," and that at their first meeting which shall take place on the first Monday of June after the passage of this act, they shall appoint a president and treasurer, the latter of whom shall give a bond for the faithful performance of his duties. Trustees of fund.

2. *And be it enacted*, That the funds of the said "Camden City Fire Department Charitable Fund," which shall arise from fines belonging to the fire department, under the ordinances that are or may hereafter be passed by the city council of said city, and donations and such other moneys as may belong under the laws of the state to such fund, or may be paid into said fund, shall be appropriated to the relief of such indigent or disabled firemen or their families, as may in the opinion of the trustees be entitled to its benefits. How funds shall be appropriated.

3. *And be it enacted*, That the city council of the city of Camden shall yearly and every year appoint two of the trustees of said fund, and that at the first meeting of the trustees named in the first section of this act, they shall draw by lot for their respective terms, two to serve for one year, two to serve for two years, and two serve for three years, and the Trustees, how appointed.

first regular meeting of the trustees in each year shall be on the first Monday in June next.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXIII.

Supplement to an act entitled "An Act to revise and amend the charter of the City of Elizabeth," approved March fourth, eighteen hundred and sixty-three.

May borrow money and issue bonds.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the city council of the said city be and they are hereby authorized to borrow the sum of ten thousand dollars in addition to the loans now authorized, for the purpose of purchasing fire apparatus and land for engine houses and for building the same, and to issue the bonds of said city to secure the payment of the same.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXIV.

An act to incorporate the New Jersey Western Land and Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendyke, Isaac Demarest, David D. A. Wortendyke, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by the name of "The New Jersey Western Land and Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate in the counties of Bergen and Passaic, in the State of New Jersey, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains, whatsoever necessary or useful for the said purposes.

Name.

Directors and how elected.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by not less than three nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in January in every year, at such time and place as shall be provided for by the by-laws of said corporation by such of the stockholders as shall attend for that purpose, either in person by proxy, and notice of the time and place of such election shall be published not less than twenty days thereto in a newspaper published in the county of Bergen or Passaic, and such stockholder shall be entitled to one vote for each share which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors; and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to the said agents, offi-

Officers.

cers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen by the stockholders, the first directors shall be Cornelius A. Wortendyke, Isaac Demarest and David D. A. Wortendyke, with the privilege of increasing the number to five directors, who shall hold their offices until the first Monday of January next, or until others are legally chosen.

Payment of installments.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as four hundred shares of the capital stock shall have been subscribed, it shall and may be lawful for said corporation to proceed to carry into effect the object of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively, such installments, and at such times and in such proportion as they shall deem proper, notice of which shall be published for at least twenty days in a newspaper published in the county of Bergen or Passaic, or be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares and all previous payments thereon for the use of the company; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time, in the said counties of Bergen or Passaic, as the directors shall appoint, notice being given previous thereto for twenty days in a newspaper printed in the said counties of Bergen or Passaic; and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

General powers.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such land and real estate as they may have and hold from

time to time, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable for the purpose of improving their property; and to enable them to raise money to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds, bearing interest not exceeding seven per centum per annum, and to sell and to dispose of the same, and to secure the payment of such bonds, the said company shall have power to convey or pledge by way of mortgage or trust such portion of the real estate of said company as the directors may deem necessary for that purpose; *provided*, that said mortgages or trusts shall not exceed in amount two-thirds of the value of said real estate and improvements. Proviso

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

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct. Failure to elect not to work a forfeiture.

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

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

Approved April 1, 1869.

CHAPTER CCCCLXXXV.

An Act for the improvement of Metuchen, and for other purposes.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of improvement, the town of Metuchen, in the county of Middlesex, shall be meted and bounded as follows: on Middlesex avenue (New Brunswick turnpike) southwest to the corner of Vineyard road; along Bonhamtown road to the residence of William McPherson; along the Perth Amboy turnpike eastward to the house of J. Wittenburg; along Church road to the house of the late J. Welsh; along Middlesex avenue northeast to the bridge near R. B. Crowell's line; along Grove avenue to farm house of T. W. Strong; along Plainfield avenue to residence of G. A. Thorne: along New Durham road to house of Michell and Wein; and along Perth Amboy turnpike westward to house of C. Bruce, making and compassing a territorial area of one mile (more or less) taking Freeman's depot as a central point.

Board of commission.

2. *And be it enacted*, That the freeholders, residents within said metes and bounds, shall, on the first Monday in May, in each and every year hereafter, hold an election for the purpose of selecting from their number, by ballot, five commissioners, who shall be denominated "Board of Commission," and who shall hold their office for one year, and until their successors are elected instead, and they and their successors shall exercise all the rights, duties and privileges hereinafter specified; and in case of vacancies in said board the same shall be filled for the unexpired term only.

Powers of the board.

3. *And be it enacted*, That the said board of commission may hold regular stated meetings, and may elect from out of

their number such officers as may be needful, may enter into contracts and agreements, may enact and publish ordinances, may sue and be sued, implead and be impleaded, in any of the courts of this state, and may make all necessary and needful by-laws for the enforcement of said powers and for the carrying out of the objects and purposes of this act.

Election of board of commission.

4. *And be it enacted*, That the first election under this act shall be held at the Vail house, in said town; and the polls shall be opened at eight o'clock in the morning and remain open until five o'clock in the evening; and the freeholders present at the hour for opening the polls, shall select three judges and one clerk of election, who shall each take an oath to well, truly and impartially perform their several duties; and the five candidates receiving the highest number of votes at such election shall be the first board of commission; *provided*, that no ballot cast at said election shall contain thereon the names of more than three persons of the same political party, in which case all such ballots shall be void; and all subsequent elections shall be in the manner and at such times and places as the by-laws of the first board of commission shall enact; *provided*, that no by-law shall alter or change the first provision in this section.

Proviso.

Special powers.

5. *And be it enacted*, That in addition to the powers granted said board of commission, in the third section of this act, it is hereby expressly enacted, that the said board shall have the general supervision, arrangement and control over the grading, paving, laying out and improving of all streets, roads, sidewalks, alleys and highways in the metes and bounds aforesaid, and of all public commons, squares or parks, now or hereafter located or to be improved in said town limits, and for the construction of any culverts, drains, ditches or bridges within said limits; and shall exercise such other and further powers within said limits, for the advancement and prosperity of said town, for the convenience, safety and protection of persons and property therein, as said board may from time to time deem proper and necessary; *provided*, that all such powers shall be exercised with a view to the greatest public convenience and least private injury possible.

Compensation

6. *And be it enacted*, That the question of compensation to said board of commission shall be left to a decision of the freeholders in said town, at the first election under this act; and that said board shall not assess, levy or collect any tax for improvements, as above empowered, save upon the property

situated and upon the line of any such proposed improvements.

Repealer. 7. *And be it enacted*, That all acts and parts of acts in conflict with this act, so far as the same affects the purposes of this act as above specified, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 1, 1869.

CHAPTER CCCCLXXXVI.

A Further Supplement to the act entitled "An Act for the relief of such portion of the Militia of this State as may be called into service," approved May eleventh, eighteen hundred and sixty-one.

Preamble. WHEREAS, by the act to which this is a supplement, it is among other things provided, that the sum of six dollars per month be allowed and paid to the families of such married persons of the militia of this state, and to widowed mothers of such persons without families, dependent upon them for support, as have been or may be mustered into the service of this state or of the United States; and whereas, by said act it is the duty of the board of chosen freeholders of each of the counties of this state to pay the said money monthly to such widowed mothers and others mentioned in said act; and whereas, great difficulty now arises in the settlement of these accounts, in consequence of the small number still remaining unpaid; therefore,

Comptroller authorized to audit and settle accounts. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury be authorized and directed to audit and settle all such accounts now remaining unpaid of those who may be justly entitled to said pay by the provisions of said act and the several supplements thereto.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXVII.

An Act for the preservation of order in a portion of the township of Monroe, in the county of Camden.

Formation of police district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Monroe, in the county of Camden, within the bounds of the second school district (known as the Williamstown school district), of said township, shall be, from and after the passage of this act, constituted a police district to be called "The Williamstown Police District."

Election of officers.

2. *And be it enacted*, That it shall and may be lawful for the legal voters, residing within the bounds of said police district, to elect one police magistrate and one police marshal on the first Monday of May in each year, said election to be held at the town hall in Williamstown, or at any other suitable place in said police district, as may have been previously agreed upon.

Powers and duties of police magistrate.

3. *And be it enacted*, That the police magistrate so elected shall, within twenty days after his election, take an oath or affirmation before some justice of the peace of said county of Camden, that he will faithfully, justly and impartially fulfil the duties of the office of police magistrate of the Williamstown police district according to the best of his ability and understanding, which shall be certified to and filed in the office of the clerk of the court of common pleas of the county of Camden; and thereupon the said magistrate shall have all the powers and perform all the duties in criminal cases which justices of the peace now have, and shall have power to arrest or cause to be arrested, without process, any person guilty or that he may have reason to believe guilty of any crime or misdemeanor or breach of the peace, and try all causes and complaints arising from the violation of any laws of this state of which a justice of the peace has jurisdiction within said police district, and the said magistrate is hereby empowered to commit any person so offending to the lock-up of said district for any time not exceeding ten days as he may deem just and proper, or may impose a fine not exceeding

twenty dollars, or both, as in his judgment he may deem just and proper.

Powers of the marshal.

4. *And be it enacted*, That the said marshal so elected shall have power to arrest any person that he may have reason to believe or know to be guilty of any crime or misdemeaner or breach of the peace, and bring such person before the police magistrate to be dealt with according to the provisions of this act, and the said marshal shall before he enters upon his duties take an oath or affirmation before the police magistrate that he will faithfully and honestly discharge the duties of his office.

Compensation

5. *And be it enacted*, That the police magistrate and marshal, so elected, shall receive such compensation for their services as may be allowed them by a majority of the legal voters who may be present and voting at such annual police district election.

Lock up.

6. *And be it enacted*, That it shall and may be lawful for the legal voters of said police district at any annual district meeting, to order the renting or building and maintaining a lock-up, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach of the peace or any offence against the laws of this state, committed within the limits of said police district, and every warrant or other process of commitment shall specify on its face whether the person committed shall be confined in such district lock-up.

Expenses assessed on real and personal estate.

7. *And be it enacted*, That it shall be the duty of the assessor of the township of Monroe, to assess upon the personal and real estate within the bounds of said police district, in the same manner in which other township taxes are now or hereafter may be assessed, such amount as may be ordered by any annual district meeting, as before provided, for the purpose of defraying the expenses of said police district, which assessment shall be made and returned to the township collector; and in case of default of payment of such taxes at the payment of other township taxes, the township collector shall collect the same in the same manner as is provided by law for the collection of other taxes, and pay over all such moneys to the committee of said township, who shall pay the said police magistrate such sums as they have been ordered to pay, at the district meeting aforesaid.

Compensation of assessor and collector.

8. *And be it enacted*, That the assessor and collector shall receive the same compensation for assessment and collection

of the said taxes as are now allowed in other cases of taxation.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXVIII.

A Further Supplement to an act entitled "An Act to incorporate the New York and Long Branch Railroad Company," approved April eighth, eighteen hundred and sixty-eight.

Width of draw defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bridge which is authorized in a supplement to said rail road company's charter, approved March thirtieth, eighteen hundred and sixty-nine, shall be provided with a draw of not less than one hundred feet in width.

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

Approved April 1, 1869.

CHAPTER CCCCLXXXIX.

An Act relating to certain streets in Jersey City.

Preamble.

WHEREAS, certain streets in Jersey City have been heretofore laid out on an unauthenticated map of said city, of the width of one hundred and thirty feet, partly over lands which have been held by citizens, and which said streets

were formerly shown on all city maps to be of the width of sixty feet; and whereas the lots and parts of lots covered by the proposed widening of said streets are damaged thereby without there being any redress provided by the charter of Jersey City; therefore,

Width of streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those portions of North Eleventh street, Coles street, North Fourth street and Paterson street as shown on R. C. Bacot's city map to be one hundred and thirty feet wide, be declared to be sixty feet wide until the lands required for any such widening shall have been condemned and paid for as provided in the city charter.

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

Approved April 1, 1869.

CHAPTER CCCCXC.

An Act with reference to assistants in the Executive Department.

Assistance in executive department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor may employ such additional assistance in the conduct of the business of the executive department as he may deem necessary; *provided*, the compensation paid shall not exceed fifteen hundred dollars per annum for such additional assistance.

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

Approved April 1, 1869.

CHAPTER CCCCXCI.

An Act to amend the act entitled "A Further Supplement to the act entitled 'An Act relative to the Court of Errors and Appeals.'"

Act continued

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to the act entitled 'An act relative to the Court of Errors and Appeals,' approved April sixth, eighteen hundred and sixty-five," shall continue in force for three years from and after the sixth day of April, eighteen hundred and sixty-nine.

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

Approved April 1, 1869.

CHAPTER CCCCXCII.

A Further Supplement to the act entitled "An Act for the Preservation of Clams and Oysters," approved April fourteenth, eighteen hundred and forty-six.

Time for gathering oysters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for taking, gathering, raking, tonging, and dredging oysters within the limits of the county of Cumberland, be extended from the first day of September in each year to the first day of July in the succeeding year.

Penalty for taking oysters on Sunday or at night.

2. *And be it enacted*, That any person or persons who shall be found taking, dredging, tonging and raking, or gathering oysters in any manner on Sunday, or at nights between the hours of eight o'clock p. m., and four o'clock a. m., within the limits of the aforesaid county of Cumberland, shall be

deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the courts.

Repealer. 3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 1, 1869.

CHAPTER CCCCXCIII.

An Act to incorporate the Building and Improvement Association of Hudson county.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John D. Probst, Barnet Frazer, junior, Charles D. Hervilly, Edwin A. Drake, William Phippard, John G. Trusdell, Morris K. Crane, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the

Name. name of "The Building and Improvement Association of Hudson County," and by that name said association and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever; and shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate, in this state and elsewhere, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid.

Election of directors. 2. *And be it enacted*, That the stock, property and con-

cerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto in a newspaper published in the county of Hudson; and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the directors may appoint such agents, officers and superintendents, and make such compensation, and assign such duties to said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said association, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be the persons named in the first section of this act, who shall hold their office until others are legally chosen; and the principal office of the company shall be located at Hoboken, New Jersey.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said association to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said association to call for and demand from the stockholders respectively such installments, and at such times and in such proportions as they shall deem proper and expedient, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper published in the county of Hud-

son, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of failure of any stockholders to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the association; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time in the county of Hudson as the directors shall appoint, notice being given previous thereto in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and transferable on the books of the association in such manner as the said corporation by their by-laws shall direct.

Powers.

4. *And be it enacted*, That the said association are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real or personal estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying out said lands and real estate into lots, to lay out and open streets, roads or highways, either public or private, through and both to and from their own property, and to maintain and keep in order the same by such rules and regulations as may be necessary in order so to do; and to use the same for agricultural purposes, or in any other lawful way that the said association may deem necessary and advisable; and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of buildings, or for other purposes, and to use the same in the erection of buildings, or for other purposes.

May make by-laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said association, and shall have power to make such by-laws, ordinances and regulations as may be necessary and convenient for the management or disposition of the stock, effects and general interest and concerns of the said association; *provided*, the same are not contrary to the constitution of the United States or of this state.

Proviso.

6. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day

when, pursuant to this act, it ought to have been made, the said association shall not for that cause, nor for any other non-user, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. Not dissolved by failure to elect.

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

Approved April 1, 1869.

CHAPTER CCCCXCIV.

An Act to incorporate the Union Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Chase, P. E. Johnson, Frederick Williams, John S. Richards and William Billings, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Union Manufacturing Company," for the purpose of manufacturing and selling machinery of various kinds, and other articles connected therewith; also for the manufacturing and selling of flock, and other articles connected therewith, and for that purpose may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal property as may be needful and proper for use in carrying on said business, or which may accrue to them in the course thereof. Corporators. Name.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Passaic, and may establish their principal office at such point in said county as they shall deem proper, and may change the same as the directors may determine. Place of business.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and as soon as twenty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it Amount of capital stock.

shall be lawful for said company to commence business, and with that capital conduct and carry on their operations until they deem it expedient to extend the same; and it shall be lawful for the directors of the said company to call and demand from the stockholders of said company respectively all such sums of money by them subscribed, at such time and in such proportion as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payments shall not be made within thirty days after a notice shall have been published in one or more newspapers published in the city of Paterson, in the county of Passaic, for the space of fifteen days.

Election of directors.

4. *And be it enacted*, That the stock property and business of said company shall be managed and conducted by not less than three, nor more than seven directors, being stockholders, one of whom shall be president, and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first day of July next, or until others are elected in their stead; that thereafter the directors shall be chosen annually on the first day of July, at such place and on such notice as the by-laws of the said company shall determine; that all elections shall be by ballot, and each share of stock shall be entitled to one vote, which may be given by the holder in person or by proxy; and if at any time or for any cause it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf or of this act, and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; that a majority of the directors shall be residents of this state, and the directors may appoint such officers and agents as they may deem necessary, and may, by their by-laws, fix their duties and compensation therefor.

Books of subscription to be opened.

5. *And be it enacted*, That books for subscription to the said stock shall be opened at such time and place as the directors may designate in the city of Paterson, for any number of days not exceeding ten, under the direction of the board of directors or such of them as shall be designated by the directors for that purpose.

Stock transferable.

6. *And be it enacted*, That the stock of said company

shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said company; *provided*, that no dividend shall be made to and among the stockholders except from out of the net profits of said company. Dividends.

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

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

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

10. *And be it enacted*, That this act shall continue in force for the space of twenty-five years, and shall go into effect immediately.

Approved April 1, 1869.

CHAPTER CCCCXCV.

An Act to incorporate the Cranford Thief Detecting Society.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sylvester Cahill, Josiah Crane, A. B. Bigelow, C. D Bigelow, John Seaton, Job S. Williams, N. G. Foster, John G. Crane, and their successors, are hereby constituted a body corporate by the name of "The Cranford Thief Detecting Society," and to remain and continue for the space of twenty years next ensuing.

Name.

Election of directors. 2. *And be it enacted*, That the affairs of the said society shall be managed by seven directors, to be chosen by the members of the said society annually, at such time and manner as the by-laws of the society may direct, who shall serve for one year, and until others shall be chosen in their stead, notice of which election shall previously be given for two weeks, by notice posted in three of the principal places in the village of Cranford, and that Sylvester Cahill, Josiah Crane, A. B. Bigelow, C. D. Bigelow, John Seaton, Job S. Williams and N. G. Foster shall be the first directors, who shall, as soon as convenient after the passage of this act, assemble and organize such society, and continue in office until others, as hereinafter directed, shall be chosen in their stead; the said directors shall, from time to time, elect a president from their number, and may also appoint such other officers as may be convenient and necessary.

General powers. 3. *And be it enacted*, That every member of said society shall be empowered to make arrest of any person or persons whom they may find stealing, or in whose possession stolen property may be found, and bring them before a magistrate, to be dealt with according to law.

Insurance against theft. 4. *And be it enacted*, That when the funds of the society shall amount to one thousand dollars, the said directors may issue policies of insurance against theft on any property belonging to any member of said society, on such terms as the society may make in their by-laws.

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

Approved April 1, 1869.

CHAPTER CCCCXCVI.

An Act to incorporate the Hopatcong Iron Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, William H. Herrick, William H. Lambert, John H. Simpson, Samuel Tippet, Columbus Beach, Isaac B. Jolley, and the survivors and survivor of them, and all such persons as may hereafter be associated with them or the said survivors and survivor, shall be and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "The Hopatcong Iron Company," for the purpose of mining, smelting, manufacturing and vending ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in the counties of Morris and Sussex, in this state, and carrying on the business incident thereto; and that they and their successors by that name shall be able and capable in law to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments, within the counties of Morris and Sussex, and goods and chattels of whatever kind and quality necessary for the purpose aforesaid, and the same, or either, or any part thereof to sell, grant, demise, alien and dispose of; and that by that name they and their successors shall have all the powers which by the laws of this state are now incident and belong to every corporation.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable in such manner as the said corporation shall by their by-laws direct; and it shall be lawful for said company, when one hundred thousand dollars capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their capital, which they are hereby authorized to do from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all such sums of money, by

May increase capital stock.

them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment or payments so called for and demanded shall not be made within sixty days after notice of such call and demand shall have been published for at least four weeks successively in one of the newspapers published in each of said counties.

Subscriptions to stock.

3. *And be it enacted*, That the subscription of the said capital stock shall be opened in Dover, Morris county, for any time not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the said board for that purpose, at such times as they shall appoint.

Directors, how elected, and their powers.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by seven directors (being stockholders) one of whom shall be president, and one of whom shall be treasurer, which officers shall hold their offices for one year from the first Monday in June in every year, and that the said directors shall be chosen on the last Wednesday in May in every year, at such time and place as shall be directed by the by-laws of said company, by such stockholders as shall attend for that purpose, either in person or by proxy; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers printed in this state nearest the place where such election shall be made; and these elections shall be by ballot, and such stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company, and the persons having the greatest number of votes (being stockholders) shall be directors; and if it should happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a less number than seven shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors so chosen shall elect one out of their number to be president, who shall be a resident of this state, and also another who shall be treasurer of said company, and also

may appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of said whole number of directors being present when such election and appointments take place; and if it shall happen that any vacancy or vacancies occur by death, resignation or otherwise among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled from among the stockholders, by such person or persons as the directors for the time being, or a majority of them, shall appoint; and until other directors shall be chosen from the stockholders, the first directors shall be George Richards, William H. Herrick, William H. Lambert, James H. Simpson, Samuel Tippet, Columbus Beach, Isaac B. Jolly, and the survivors and survivor of them, who shall hold their offices until the first Monday in June, eighteen hundred and sixty-nine, and until others are legally chosen; and said company shall keep their office at the place where their works shall be located.

Dividends.

5. *And be it enacted*, That no dividend shall be made to and among the stockholders, except out of the profits of the said corporation.

Not dissolved by failure to elect.

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

Powers of directors.

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

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the company, and which books shall be at all times open to the inspection of the stockholders, and a correct and full statement in gross

of the affairs of said corporation shall be made to the stockholders at the annual meetings for the election of directors.

Restrictions and liabilities.

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

Limitation.

10. *And be it enacted*, That this act shall continue in force for a period of thirty years; but it shall be lawful for the legislature of this state at any time hereafter, to alter, amend or repeal this act, or any part thereof, whenever in their opinion the public good requires it.

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

Approved April 1, 1869.

CHAPTER CCCCXCVII.

An Act to establish and confirm the title to lands sold by Frederick B. Ogden, Master in Chancery.

Preamble.

WHEREAS, Frederick B. Ogden as a master in chancery of the state of New Jersey, by virtue of an execution for the sale of mortgaged premises, issued out of the court of chancery upon a decree made in said court on the fifth day of February, eighteen hundred and sixty-three, in a cause depending in said court, wherein Meline W. Halsey, trustee, and so forth, was complainant, and the Elizabeth Port Land Improvement Company and others were defendants, sold at public sale to Adeline Mayo, the highest bidder therefor, a certain tract of land and premises, lying partly in the city of Elizabeth, and partly in the township of Linden, in the county of Union, lying along and back from the shore of Staten Island sound between Elizabeth and Morss' crecks, and formerly belonging to Edward C. Mayo, deceased; and whereas, said Frederick B. Ogden, conveyed the said tract of land and premises to said Adeline

Mayo, by his deed dated the twenty-ninth day of May, eighteen hundred and sixty-three, and which is recorded in the clerk's office of said Union county, in book eleven of deeds, on page six hundred and sixty-four, and so forth, and whereas, it is alleged that the said master did not legally advertise the said sale, and that his deed is thereby defective, and the title of the present holders of said land and premises, assigns of said Adeline Mayo, is not perfect, for remedy whereof and to confirm the said sale, and the said deed and the title of the said tract of land and premises to the said assigns of said Adeline Mayo,

Sale of lands confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sale of the said tract of land and premises, and the deed thereof made by said Frederick B. Ogden, master as aforesaid, to said Adeline Mayo, which deed is dated the twenty-ninth day of May, eighteen hundred and sixty-three, and is recorded in the clerk's office of Union county, in book eleven of deeds, on page six hundred and sixty-four, and so forth, be and the same are hereby confirmed and declared to be valid and effectual in law, the same as if said sale had been legally advertised and the said deed had so recited; and the said deed is hereby declared to convey to and vest in said Adeline Mayo and her assigns, all the estate, right and title which the defendants in the said cause in the court of chancery had therein at the filing of the bill in said cause, and that the said defendants be and they are hereby declared to be foreclosed of their equity of redemption in said tract of land and premises by the said deed, sale and decree.

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

Approved April 1, 1869.

CHAPTER CCCCXCVIII.

A Supplement to "An Act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair," approved April fifteenth, eighteen hundred and sixty-eight.

Division of town into road districts, and boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Montclair shall be divided into four road districts, said districts to be bounded as follows: Road District Number One, beginning in the northwesterly corner of the township of Montclair, in the line of Passaic county; thence running easterly along the line of Passaic county to the line of Bloomfield township; thence southerly along the line of Bloomfield township to a point therein, due east from a point on the westerly side of Valley road, one hundred feet north of the northeasterly corner of the residence of James L. Andruss; thence through the township of Montclair due west, to the line of the township of Caldwell; thence along the line thereof northerly to the place of beginning; District Number Two, beginning in the line of Caldwell township, at the northwesterly corner of road district number one, as above designated; thence running due east along the southerly line of road district number one, to a point in the westerly side of Valley road, one hundred feet north from the northeasterly corner of James L. Andruss' residence; thence further along district road number one, due east to a point three hundred feet east from the easterly line of the Telegraph road; thence southerly parallel to and three hundred feet east of the said Telegraph road to the middle of Lincoln street; thence due west to the top of the mountain, and the line of West Orange township; thence northerly along the line of West Orange and Caldwell townships to the place of beginning; Road District Number Three, beginning on the middle of Lincoln street, three hundred feet from the easterly line of Telegraph road, and in the southeasterly corner of road district number two, and running thence due east to the line of Bloomfield township; thence along the line of Bloomfield township to the northeasterly corner of district number one; thence due west along the

line thereof to a point therein three hundred feet east from the easterly line of the Telegraph road; thence parallel to the Telegraph road to the middle of Lincoln street and place of beginning; District Number Four, beginning in the line of Caldwell township at the southwesterly corner of district number two; thence due east along the line of district number two to the middle of Lincoln street, three hundred feet east from the easterly line of Telegraph road, and thence due east to the line of Bloomfield township; thence southerly along the line thereof to the line of the township of Orange; thence westerly along the line thereof to the line of West Orange township; thence northerly along the line thereof to the place of beginning.

Township committee to control expenditures.

2. *And be it enacted*, That the township committee shall have the control of the expenditures of all money which shall be assessed and collected by the township or any of the road districts thereof, by general or special tax, for the working or repairing of roads or the construction or repairs of sidewalks, and the township committee shall expend, in each district, not less than two-thirds of the amount of money assessed and collected therein under the general tax for roads in said township, and they shall expend, in each district, the whole amount of money assessed and collected therein by special tax authorized to be raised as hereinafter provided for the working and repairing of roads, and the building or repairing of sidewalks.

Proceedings on paving sidewalks.

3. *And be it enacted*, That whenever a petition in writing shall be presented to the township committee of the said township of Montclair, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the said points named and upon that side of the street named in said petition laid with stone, plank or composition, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used and the width of walk to be made, which said width shall not be less that four feet, or if requested in writing by ten freeholders and voters of any of said districts, the township committee shall immediately issue, or cause to be issued, a call for a meeting of the legal voters of the district in which such walk or walks shall be petitioned for as aforesaid, signed by the

township clerk, which shall be posted in five of the most public places in said district, for at least seven days before such meeting shall be held, stating the time, place, and object of the meeting, at which time the legal voters so convened, or a majority of them then present, shall be authorized and empowered to raise by tax such sum or sums of money in said district as they may determine for the purpose of working and repairing the roads, streets or highways in said district, and such additional sum or sums of money in said district as they may determine for the construction of sidewalks therein, said tax to be assessed, levied and collected by the township committee in the same manner as other township taxes are assessed, levied and collected; and as soon as the township committee shall have received notice that such money has been directed to be raised for the construction of sidewalks as aforesaid, they shall ascertain the cost of constructing the sidewalks petitioned for as aforesaid, and shall without delay proceed to lay the same, or cause the same to be laid in accordance with the request of such petition, and said township committee shall pay therefor, from moneys in their hands, three-sixths of the cost of said sidewalk from the amount authorized to be raised for that purpose, and the said township committee shall assess upon the owners of the lands upon the side of the road, street, or highway upon which the same is located, two-sixths of the whole cost of constructing said sidewalk, and shall assess against the owner or owners of land on the opposite side of said road, street or highway, the remaining one-sixth of the whole cost of constructing the same; *provided*, that in case the sidewalks shall have been already constructed of stone, plank or composition, on any part of the ground embraced in the terms of the petition, which in the judgment of the township committee shall be as good as that in said petition requested to be laid, they shall not take up such previously constructed sidewalk, nor make any assessment against the owner of the land on the side of the highway where the same was laid, but the owners of the land on the opposite side of the said highway therefrom shall not, in consequence thereof, be relieved from his or her proportion of the said assessment.

Proviso.

Mode of assessment and collection

4. *And be it enacted*, That the basis of the above assessment shall in all cases be the number of lineal feet owned by each person in front of whose land the said sidewalk shall be laid upon said street, and between the points named as afore-

said whether upon the same or the opposite side from said walk, and all landowners between the points named in the petition, and upon that side of the street for which such sidewalk is requested, may be petitioners whether excepted from the assessment or not, the township committee shall deliver to the township collector, a copy of the said assessment when made, and the said collector shall include in the tax bills of the persons against whom sums shall have been assessed by virtue of this act, the respective sums so assessed against them, which are hereby made payable and collectable at the same time and in the same manner and by the same means as the township taxes; and the said township committee is hereby authorized on the credit of said township to negotiate for the use of such sums of money from time to time as it may be necessary for them to employ in carrying out the purposes of this act.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and are hereby repealed, and that this act shall be a public act and shall take effect immediately. Repealer.

Approved April 1, 1869.

CHAPTER CCCCXCIX.

A Supplement to the act entitled "An Act to incorporate the Columbus and Kinkora Railroad Company," approved April second, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for beginning to build said railroad is hereby extended for the period of two years from the fourth day of July, eighteen hundred and sixty-nine. Time of commencement extended.

Approved April 1, 1869.

CHAPTER D.

An Act to incorporate Hook and Ladder Company, Number Two, of West New York, in the township of Union, Hudson county.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Muller, John White, Henry Leber, Henry W. Lehing, Theodore Ristow, John Scholl, and all other persons, not exceeding fifty in number, as now are or hereafter shall become associates of Hook and Ladder Company, Number Two, of West New York, in the township of Union, Hudson county, be and they are hereby constituted and declared to be a body corporate and politic,

Name.

in fact and in law, by the name of "Hook and Ladder Company, Number Two, of West New York, in the township of Union, Hudson county," and by such name they shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of jurisdiction whatsoever, and that they and their successors may have a common seal, may make, enter into and execute any contract or agreement concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of three thousand dollars, which shall be applied to the purchase and holding of real estate; to the procuring, maintaining and repairing such fire hooks, ladders, buckets and machines, and to such other incidental expenses as shall, to the said company, appear best calculated and useful to secure the property of their fellow citizens from destruction by fire.

President and other officers.

3. *And be it enacted*, That the said corporation shall have power to elect annually, or oftener, if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, ac-

cording to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

Acting members exempt from jury duty.

4. *And be it enacted*, That the acting members enrolled in this company shall be exempt from serving as jurors in any of the courts of this state.

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

Approved April 1, 1869.

CHAPTER DI.

A Supplement to an act entitled "An Act to incorporate the City of Bayonne," approved March tenth, eighteen hundred and sixty-nine.

Fees which city clerk may charge on certiorari.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment, or proceeding of said council.

Proceedings on making returns to writ of certiorari.

2. *And be it enacted*, That no ordinance, assessment, or proceeding of the council of said city of Bayonne, shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of the city charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said city may make a further return to said writ of certiorari, stating

such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons, and said city may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records, and proceedings of said council; whenever any assessment is set aside, the said council may appoint new commissioners to make a new assessment.

Certiorari not to be allowed to set aside ordinance after contract.

3. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said city after the contract therefor shall have been awarded by the council of said city, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said city after three months shall have elapsed from the date of the confirmation of said assessment by the council of said city.

Proceedings when assessment is set aside on certiorari.

4. *And be it enacted*, That in case any assessment is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said city, that in that case all sums of money so collected shall be refunded, and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made, and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Proceedings when change or alteration of location of streets, &c., is made.

5. *And be it enacted*, That whenever said commissioners shall change or alter the location of any street, lane or avenue now laid on said map or now open for public use, the commissioners appointed for the purpose of assessing benefits and damages shall have the power to take into consideration the land or premises which revert to the front owner on said street, lane or avenue so vacated in awarding benefits or damages to the property benefited or damaged by said alteration of location of said street, lane or avenue so changed, and the lands so made to revert to the said front owners shall be held by the said front owners in fee, and the said commissioners shall file a description of the said lands so reverted in the office of the county clerk of Hudson county, which said description shall be deemed and taken to be a deed of con-

veyance to the said front property owners, and this shall apply to all alterations now being made or hereafter to be made.

Approved April 1, 1869.

CHAPTER DII.

A Supplement to an act entitled "An Act respecting the Prerogative Court and the power and authority of the Ordinary," approved April sixteenth, eighteen hundred hundred and forty-six.

Proceedings in probate of wills, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when probate of any will or letters of administration have been or shall be granted by the ordinary of this state, or any inventory of the estate of a deceased person has been or shall be proved before such ordinary, it shall be lawful for any person interested to cause a copy of such letters or of such inventory and proofs thereof, duly certified under the seal of the prerogative court by the register, or of such will and proof with probate annexed, to be recorded in the proper book by the surrogate of the county where the testator or intestate resided at the time of his death.

Copies of record to be received in evidence.

2. *And be it enacted*, That the record made by virtue of this act by such surrogate, and copies thereof, certified by him to be true transcripts, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original will, letters, inventory, proofs and probate were then and there produced and proved.

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

Approved April 1, 1869.

CHAPTER DIII.

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

Preamble.

WHEREAS, the Jersey Shore Improvement Company and their grantees, are the owners of a tract of land in the northerly part of the city of Jersey City, over which no streets have yet been actually laid out by the municipal authorities of said city, which lands lie east of Prospect street, and between that street and the Hudson river, and are bounded on the south by North Fourth street, and on the north by North Tenth street; and whereas, the streets of said city south of North Fourth street, between Provost and Hudson streets, have been closed by law, so that no streets running north and south through the said property can be requisite or useful as public thoroughfares of said city, and as such streets running north and south would greatly injure such lands, and make them unfit for such commercial purposes as it is required they should be used for,

Boundaries where streets may not be laid out or opened.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to lay out or open upon said lands any street running northerly and southerly between North Fourth street and the southerly line of Ferry street, Hoboken, and east of Provost street and west of Hudson street, as said last named street is located by an act entitled "A supplement to the act entitled 'An Act to incorporate Jersey City,' approved March eighth, one thousand eight hundred and fifty-one,' " which supplement was approved March twenty-fourth, eighteen hundred and sixty-four, without the consent of said company and their grantees; and all such streets so laid out or projected over the said property within the limits aforesaid, shall be and are hereby vacated; *provided*, that nothing herein contained shall be construed to exempt the owners of the said lands from the payment of any taxes or assessments thereupon, for which they are now or may be legally liable.

Proviso.

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

Approved April 2, 1869.

CHAPTER DIV.

An Act to incorporate the International Steamship Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Bennington F. Randolph, Benjamin G. Clark, William J. A. Fuller, Francis S. Lathrop, Ambrose W. Thompson, Frederick B. Betts, William B. Rankin, Dudley S. Gregory, James Marshall and Michael Sanford, and their associates, are hereby created a body politic and corporate under the name of "The International Steamship Company," and by such title shall have perpetual succession with all the powers necessary or incident to a corporation having for its object the navigation of the oceans and tributary waters by the aid of steam, for the transportation of passengers, mails and merchandise, between the ports of the United States and Europe, or elsewhere; and the purchase, building, chartering, maintaining, using, disposing of and replacing steam vessels therefor, and the said powers are hereby conferred upon the said company. Corporators. Name.

2. *And be it enacted*, That the capital of the said company shall be one million of dollars, in shares of one hundred dollars each, which may from time to time be increased by the board of directors to such an amount as will represent the sum necessary to purchase, construct, equip, accommodate and work the said steam vessels; and the said shares shall be personal property, transferable in such manner as the by-laws may direct; bonds may be issued for the purchase of property or other uses; said bonds shall be secured upon such property or income as shall clearly represent their value, and they shall bear no higher rate of interest than the legal rate at the place where issued, and the payment of said bonds and interest shall be provided for by a sinking fund to be formed Amount of capital stock.

under the provisions of the by-laws, from the annual profits of the company; and it shall be lawful for any corporation to subscribe to the stock, or invest in the bonds of said company.

Management.

3. *And be it enacted*, That the corporators named in this act shall constitute the first board of directors; they shall elect one of their number as president, and a majority shall be a quorum for the transaction of business; they shall have the power of making and establishing such statutes or by-laws as they may deem expedient to carry out the objects of the corporation; and they and their successors may vote in person or by proxy at any meeting held under this act, and may establish an office at which board meetings may be held at any port to which the business of the said company may extend, and may establish local boards of administration thereat; the directors herein named shall serve until such time as the by-laws prescribe for an election and until others are chosen.

May contract with other companies.

4. *And be it enacted*, That the said company is empowered to contract with any railroad or other company or companies for through transportation of passengers and freight from the place of reception to that of final delivery, to represent the same by bill of lading, receipt, ticket or otherwise, to assume the care, risk and safe delivery thereof, beyond that of common carrier upon receiving such commission for guarantee, or premium for insurance, as may be agreed and evidenced between the respective parties, and specially to contract for the faithful and safe transportation of emigrants from the places of their departure to their destination, upon lands in any state of the United States or elsewhere, and guarantee them from loss and disaster; and the said company are empowered to erect and own at or near their wharves or docks in Hudson county, emigrant depots with surrounding walls, having therein houses for the reception and protection of emigrants, within which enclosures shall be all necessary conveniences, lodgings and subsistence at reasonable cost; the said depots and all that relates thereto shall be subject to the quarterly examination of a board of inspection consisting of the governor, chancellor and secretary of state, the district judge and the president of the International Steamship Company, and the said board shall appoint a medical director of distinguished ability who shall have charge of the internal regulation and sanitary condition of said depot,

Depots, &c., to be subject to examination.

and shall cause to be kept therein an emigrant record, containing full statistics, showing the number of emigrants landed, their names, ages, conditions, nativities, destinations, the rules, regulations, prices and general condition of the depots and sanitary condition of the steamers; he shall inspect the cars provided by railroad companies for carrying the said emigrants westward, and have power to require that they shall be in fitting condition, and have all the conveniences for such transportation; he shall report monthly to the board of inspectors the general condition of his trust, and specially in detail relative to the foregoing heads made up to the first day of December in each year; his pay shall be fixed by the commission of appointment, and be paid monthly by said steamship company; safes for money and valuables shall be provided free of charge within the enclosure, and deposits therein shall be recorded in the names of the depositors, be properly sealed up and marked, and the safety thereof shall be guaranteed by the company, and no emigrant shall be permitted to go out of the enclosure temporarily without being notified to deposit his valuables for safe keeping until his return, or until his final departure; there shall be provided within the enclosure a ticket office for the several railroad companies desiring to be represented therein, from which information shall be equally and fairly given, and space shall be provided upon the walls where each of said companies may have delineated their line of road and special connections; but no undue advantage shall be permitted therein to one company over another, nor shall special agents or runners be permitted within the enclosures.

Foreign paupers not to be landed or harbored.

5. *And be it enacted*, That the said international steamship company shall guarantee the state against the landing or harboring of foreign paupers, and for this purpose shall have authority to reship the same if landed; and for such guarantee, reshipment, expenses attendant thereon, and for the erection of said emigrant depots, which said depots are to be open for the reception of all emigrants permitted to be landed arriving by any ship or steamer, the said company shall assess and pay for each emigrant adult arriving in its own steamers, the sum of two dollars head money, and shall exact and collect the same rate for each emigrant landed as aforesaid from all other ships, vessels or steamers, and the said ships, vessels and steamers shall be held liable therefor until the said head money shall be paid; *provided, however*,

Proviso.

that these two dollars shall not be paid if said sum is collected in the state of New York; the said company are empowered to appoint and maintain at their own expense, with the consent and approval of the local authorities, a protective police force to preserve order in their depots, and to enable the said company to fulfill and discharge the sanitary and protective obligations hereof.

Powers and duties of the board of inspection.

6. *And be it enacted*, That the board of inspection shall have authority to establish from time to time the regulations of the emigrant depots, the rates to be charged for board and lodging of emigrants, to arrange the form of accountability for head money, and to inspect the disbursement thereof; and so soon as it shall appear that a sum equal to the cost of erection and support of the emigrant depot has been received and applied thereto, the said board of inspection shall forthwith require the said international steamship company to proceed to erect a suitable hospital for the free reception and treatment of injured, disabled and sick mariners of all nations, and for all strangers not mariners, who may not have means to provide for themselves during illness, and as the fund shall increase beyond the cost and support of the first international hospital thus provided to be created, the board of inspection shall require the said steamship company to enlarge, or in their discretion to erect separate charitable hospital institutions open to the sick and disabled of all classes who shall seek treatment therein; the board of inspection, while attending to the duties herein provided, shall be entitled to receive for each member thereof from the head money fund, the sum of five dollars per day as payment for expenses, besides payment in addition for such clerks and office expenses as may be required in discharging the duties of the trust confided thereto; the said board shall, in the month of January in each year, report to the senate and assembly of this state in detail all that relates to, or which may be brought under their charge by the provisions of this act.

7. *And be it enacted*, That this act shall take effect and be in force from and after its passage.

Approved April 2, 1869.

CHAPTER DV.

A Supplement to "An Act to incorporate the Elwood Shoe Manufacturing Company, of Atlantic County," approved April second, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of said act is hereby so amended as that the capital stock of said company shall consist of forty shares, of a par value of one hundred dollars each, with the privilege of increasing the same to five hundred shares. May increase capital stock.

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

Approved April 2, 1869.

CHAPTER DVI.

An Act to authorize the First Union Co-operative Land and Building Association, incorporated under the laws of New York, to hold lands in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The First Union Co-operative Land and Building Association," incorporated under the laws of New York, to hold lands and real estate in the state of New Jersey for the purpose of carrying on the business for which said company was incorporated, and to mortgage, lease or convey the same at pleasure. May purchase and hold real estate.

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

Approved April 2, 1869.

CHAPTER DVII.

A Further Supplement to an act entitled "An Act to create the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three.

Commissioners authorized to set up lamps.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners named in the act of which this is a supplement, shall be, and they are hereby authorized to maintain and set up lamps and to use lights in the same, in such parts of said township as they shall deem for the benefit of the inhabitants thereof.

Ordinance or assessment not to be set aside on certiorari.

2. *And be it enacted*, That no ordinance, assessment or proceeding of "The Street Commissioners of Greenville," shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of an act entitled "An Act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three, or any supplements thereto have been complied with, but after the filing by the prosecutor of the reasons in certiorari the said commissioners may make a further return to said writ of certiorari, stating such additional facts as they may be advised are proper and necessary to state in answer to any of said reasons; and said commissioners may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinances or proceeding, assessment or proceeding in question, the same as if such had properly appeared in the minutes, records and proceedings of said commissioners; whenever any assessment is set aside, the said commissioners may appoint new assessors to make a new assessment.

Certiorari when not to be allowed.

3. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance, resolution or proceedings for any improvement in said town after the contract therefor shall have been awarded by the said commissioners, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said town of Greenville

after three months shall have elapsed from the date of the confirmation of said assessment by the said commissioners.

4. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed and upon which said payments were so made, and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Proceedings when assessment is set aside.

5. *And be it enacted*, That the expenses of, and all the debts incurred and moneys paid out by the commissioners appointed by a further supplement to an act entitled "An Act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville," which said supplement was approved March twenty-seventh, eighteen hundred and sixty-eight, shall be immediately paid by the township treasurer of Greenville on the warrant of said commissioners out of any moneys of said township, now in his hands or that may hereafter come to his hands, and if the said township treasurer cannot pay said commissioners by reason of want of funds, then the township committee of Greenville shall issue the bonds of said township, and in due form to an amount not exceeding five thousand dollars, deliver the same to the treasurer appointed by said commissioners, and said treasurer shall sell said bonds at a rate not less than ninety-five cents on the dollar, and out of the proceeds of the sale of said bonds shall pay said warrant of said commissioners, and the amount of said bonds shall be refunded to the township treasurer out of the first moneys collected on any assessments, made by any assessors appointed by said commissioners for any improvements in said township.

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

Approved April 2, 1869.

CHAPTER DVIII.

An Act to enable the Trustees of the Methodist Episcopal Society, at Beattystown, New Jersey, to convey land.

Preamble. WHEREAS, on the twenty-fifth day of September, eighteen hundred and sixty-six, one Ashman Carpenter and Susan his wife, of the township of Mansfield, in the county of Warren, and state of New Jersey, conveyed a certain piece or parcel of land, situated in said township, county and state, to Martin Brown, James Dickson, Robert Hendershot, William Thompson, William Hankinson and James Parks, trustees in trust, that they should erect and build, or cause to be erected and built thereon, a house or place of worship for the use of the members of the Methodist Society; and whereas the said trustees having deemed it to the best interests of their organization, have procured or are about to procure, a more eligible and convenient situation for their church edifice, and therefore desire to sell said land and premises and to appropriate the proceeds of such sale to said church; therefore,

Trustees authorized to execute deeds of conveyance. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees be and hereby are authorized, or a majority of them, to sell and convey the said land with the appurtenances, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of conveyance thereof, to the purchaser or purchasers of the same, and that all such deed or deeds of conveyance shall be good and effectual in law, anything in the conveyance to said trustees to the contrary notwithstanding.

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

Approved April 2, 1869.

CHAPTER DIX.

A Supplement to an act entitled "An Act to authorize the conveyance of certain real estate in the city of Newark," approved March third, eighteen hundred and fifty-three.

Preamble. WHEREAS the various lots of land mentioned in the act to which this is a supplement have become unsuitable for the occupancy of the public schools of said city; and whereas, the public necessity demands that the same should be vacated and sold, and more convenient premises procured for school purposes; therefore,

Mayor and council authorized to make deeds of conveyance. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Newark are hereby authorized and empowered to sell and convey, and make, and execute and deliver a deed or deeds of conveyance for any of said lots of land and premises which have been or hereafter may be conveyed to them; which said deed or deeds of conveyance shall vest in the purchaser or purchasers a good and valid title to the said lots so sold respectively, free and discharged from all conditions and trusts; but the common council shall lay out and expend in the purchase of new school lots, and in the erection of new buildings, a sum of money equal to the value of said lots, in the wards or districts in which the same may be respectively situated.

Parties aggrieved may appeal. 2. *And be it enacted*, That if any person considers himself or herself aggrieved by the sale of such lots, under the circumstances aforesaid, he or she may at any time within one year after such sale, petition the supreme court, upon ten days' notice given to the mayor and common council of the city of Newark, for an assessment of the damages sustained by him or her or them; and the supreme court shall order a trial by jury to assess the damages, if any, sustained by the party claiming to be aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; and upon the verdict of said jury, judgment shall be given for or against the city, as in cases of common law; but nothing herein contained, and no claim by any party that he or she is aggrieved by the sale of any of the aforesaid lots, shall in any

way interfere with or prejudice the title of any purchaser of the same.

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

Approved April 2, 1869.

CHAPTER DX.

An Act to amend "An Act to authorize Limited Partnerships," passed February ninth, eighteen hundred and thirty-seven.

Special partner may sell interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any special partner or the heirs or legal representatives of any special partner, deceased, may sell his or her interest in the partnership, without working a dissolution thereof or rendering the partnership general; *provided*, a notice of such sale be filed within ten days thereafter with the clerk of the county, where the partnership is doing business, and the purchaser of such interest may thereupon become a special partner with the same rights as an original special partner.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DXI.

An Act relative to Taxes in certain counties of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes hereafter to be assessed in the counties of Hudson, Union and Essex, and in the city of New Brunswick, Middlesex county, and in the county of Passaic, except the townships of West Milford, Pompton and Wayne, for state, county, township and city purposes over and above the amount to be raised by a poll tax, shall be assessed and raised by such a per centum upon all real estate, chattels and all personal property taxable by law, except mortgages situate in said counties and city, both of residents and non residents, by valuing the same at the true, full and fair value thereof, as shall be necessary to make the amount required for such taxes, and not otherwise; and the assessors shall designate in their assessments the numbers or general description of lots or parcels of land, and the value of chattels and all personal property which they assess to each person, corporation, association or party; and all real and personal estate shall be assessed in the townships and wards and cities where found, without any deduction for mortgages thereon; and all mortgages upon real estate, chattels or personal property taxable by law within said counties and cities shall be exempt from taxation when they are in the hands of any inhabitant, corporation or association residing or located in said counties or city; but such mortgages shall not be so exempt when in the hands of any inhabitant, corporation or association residing or located in any county or place in this state not named in this act. Mortgages to be exempt from taxation in hands of residents, and no real estate or property to be allowed deductions for mortgages.

2. *And be it enacted*, That an act entitled "An Act relative to taxes in certain counties of this state," approved April eighth, eighteen hundred and sixty-eight, and the supplement thereto, approved April seventeenth, eighteen hundred and sixty-eight, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That no act shall be deemed to repeal or modify this act, unless so expressed therein, and this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DXII.

Supplement to an act entitled "An Act to revise and amend the charter of Atlantic City," approved March thirteenth, eighteen hundred and sixty-six.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of Atlantic City, in the county of Atlantic, shall hereafter be as follows: beginning at a point in the Atlantic ocean, as far as the jurisdiction of the state extends, to a point on a line with the east side of Dry inlet; thence easterly along the boundary line of the state, to a line at right angles with the east side of Absecom inlet, at high water; thence westerly along the east side of said inlet to a point opposite and at right angles with the west bank of Clam Thoroughfare; thence southerly along the west bank of said thoroughfare, to its intersection with Beach Thoroughfare; thence southerly along the east bank of said Beach Thoroughfare to the intersection of the aforesaid line on the east side of Dry inlet; and thence along said line to the place of beginning; and that all laws, ordinances, and provisions heretofore enacted, made, and done, for and affecting said corporation, shall extend to and apply to and embrace the territory hereby annexed, and the inhabitants residing thereon, from and after the passage of this act.

City not to be assessed or liable for support or poor of county.

2. *And be it enacted*, That after the passage of this act Atlantic City shall be and is hereby empowered and required to provide for the proper support and maintainance of the poor of said city, who have a legal settlement therein, and that the said city shall not hereafter be assessed with, or liable to pay to Atlantic county any part of the tax to be raised for the support of the poor or any part of the tax to be assessed and raised for any provision whatsoever made or to be made for the poor of said county.

When council may order streets to be paved, &c.

3. *And be it enacted*, That whenever a majority of the owners of lots fronting or bordering upon any public street or alley, or any section or part thereof, in said city, shall make application to the city council to have any street or alley, or any section or part thereof, or the sidewalks thereof, graded, paved, gravelled, flagged, and curbed, it shall be

lawful for the city council to order and direct the same to be done; and that all acts and parts of acts of twenty-fifth section of the city charter (to which this is a supplement), inconsistent herewith, be and the same is hereby repealed.

Proceedings when ordinance is passed for improving streets, &c.

4. *And be it enacted*, That after an ordinance shall have duly passed the city council of Atlantic City, for the grading, curbing, paving, gravelling or otherwise improving any street, alley or sidewalk of said city, and any property owner or owners along any such street or alley, shall fail to comply with the requirements of such ordinance, by not doing the work, it shall be lawful for the city council to proceed to do or have the same done, at the expense of the owner or owners, at any time after the expiration of twenty days from the passage of such ordinance; *provided*, that if any owner or owners or reputed as aforesaid, shall not reside within said city, that they shall be entitled to notice as is now required by the twenty-sixth section of the act to which this is a supplement.

Amount which may be added for non-payment of tax for work done.

5. *And be it enacted*, That after the city council shall have done or caused to be done any work as aforesaid, on any street, alley or sidewalk in said city, according to the provisions of the city charter as modified by this supplement, and the costs and expenses of doing the said work, and the costs and expenses of the materials furnished for the same, be not paid to the said city by the owner, or owners of the real estate in front of which the said work was done within thirty days from the completion thereof, it shall be lawful for twenty per centum to be added to the whole bill of costs and expenses of doing said work and furnishing said materials, to be collected as if it were a part of the actual cost; the whole to be collected in the manner prescribed in the twenty-sixth section of the act to which this is a supplement.

Mode of assessment.

6. *And be it enacted*, That all taxes hereafter to be assessed and raised in Atlantic City for state, county and city purposes, over and above the amount to be raised by poll-tax, shall be assessed and raised by such a per centum on all taxable property in said city as shall be necessary to make the amount required, and not otherwise; and all mortgages upon any property in said city shall be exempt from taxation in the hands of any inhabitant or corporation of the state, and no deduction shall be made from the full and fair value of any such property found in said city for any mortgages thereupon.

7. *And be it enacted*, That in all cases where a tax warrant

Collection of unpaid taxes.

has been issued by a proper officer of said city, and the city collector or other officer to whom it was directed or delivered has neglected or failed to execute the same, upon its return to the mayor of said city for the time being, with an affidavit annexed that the taxes or some part of the same remain unpaid, and giving the names of the delinquents therein, with the amount of taxes against them still in arrears and unpaid, it shall be lawful for the mayor to issue an alias tax warrant against the said delinquents for the taxes for which they are so in arrears, to be directed to the collector of said city for the time being, or other proper officer, to be proceeded on in all things as in the case of the original warrant.

Taxes to be a lien.

8. *And be it enacted*, That all taxes assessed upon any real estate situate in said city be and remain a lien thereon for the space or period of five years.

Mayor to have justice's powers.

9. *And be it enacted*, That the mayor of Atlantic City, in addition to the powers now vested in him as mayor, be and is hereby constituted justice of the peace ex-officio for Atlantic county.

Repealer.

10. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved April 2, 1869.

CHAPTER DXIII.

A Supplement to an act entitled "An Act to establish a System of Public Instruction," approved March twenty-first, eighteen hundred and sixty-seven.

Amendments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty seven, in its application to District Number Two, in the township of Linden, in the county of Union, shall be amended as follows: that the words "two-thirds" wherever they occur in the

thirty-ninth and eightieth sections in said act be stricken out and the word "majority" be substituted therefor in each place; and that in the tenth line of said eightieth section between the words "houses and" the words "at an expense not exceeding two thousand dollars," be inserted.

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

Approved April 2, 1869.

CHAPTER DXIV.

An Act authorizing the examination of an adverse party in a civil action before trial.

Mode of procedure when any party to an action is examined as a witness at the instance of an adverse party.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any party to an action in the supreme or circuit courts may be examined as a witness at the instance of any adverse party or parties, or of any one of the several adverse parties after issue joined in said action and before the trial of said action; that said examination may be before any justice of the supreme court or before any supreme court commissioner, on a previous notice to the party to be examined of at least five days, unless a shorter time is for good cause shown prescribed by a justice of the supreme court; the party shall only be examined upon an order made by a justice of the supreme court to whom application therefor is made, and the granting of said order shall be discretionary with the justice to whom said application is made; the service of said order shall be sufficient summons and notice to the party or parties named therein to attend before said justice or supreme court commissioner therein named.

Proceedings for compelling the attendance of party to be examined.

2. *And be it enacted*, That no party to be examined who shall reside in the state of New Jersey, shall be compelled to attend in any other county than that where he resides, but any party residing out of this state may be compelled to attend in any county named in the order of the said justice of the supreme court; and a non-resident plaintiff may be serv-

ed out of this state with personal notice to attend such examination, and if he does not appear in compliance with said notice, all proceedings shall be stayed on his part until his appearance, of which appearance he shall give the same notice to the defendant as required by the first section of this act.

Manner in which attendance may be compelled.

3. *And be it enacted*, That any party to be examined named in said order of said justice of the supreme court, may be compelled to attend before the justice of the supreme court or supreme court commissioner named in said order in the same manner as any witness may be compelled to attend upon the trial of a civil action where he has been duly subpœnaed to attend.

Manner of conducting examination.

4. *And be it enacted*, That the said examination of said party or parties shall be taken by said justice or commissioner orally, the same as on the trial of a cause with the right of examination and cross-examination; and said examination shall be reduced to writing and shall be signed by the party or parties so examined as aforesaid, and certified by said justice or commissioner and filed with the clerk of the county where the cause is to be tried; and said examination may be read by either party at the trial; where the examination is made before a justice of the supreme court, he may authorize the same to be reduced to writing by any clerk of any circuit court or by any attorney or counsellor of said court; any question may be objected to and the answer taken subject to the objection, or if the party refuse to answer, any justice of the supreme court shall compel the party to answer the same, if the party examining is legally entitled to have the same answered.

Rebutting testimony may be taken.

5. *And be it enacted*, That the examination of the party thus taken may be rebutted by adverse testimony.

Penalty for refusal to attend and testify.

6. *And be it enacted*, That if a party refuse to attend and testify as herein above provided, he may be punished as for a contempt, and all or any of the pleadings in the case upon his part stricken out by order of any justice of the supreme court in his discretion.

Fees.

7. *And be it enacted*, That the party examined shall receive the same fees as if subpœnaed and attending as a witness on the trial of a cause, and the justice or commissioner taking the testimony shall receive the same fees for his services as are now allowed by law to a master in chancery for taking testimony in a cause.

How paid.

8. *And be it enacted*, That the party examining shall in

the first instance pay the witness fees and all the costs and expenses of said examination, unless a justice of the supreme court otherwise order, and shall tax therefor in his bill of costs only such sum as a justice of the supreme court shall certify to be reasonable and proper.

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

Approved April 2, 1869.

CHAPTER DXV.

A Supplement to "An Act to incorporate the City of Bergen," approved April seventh, eighteen hundred and sixty-eight.

Fees on certiorari.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the mayor and board of aldermen of the city of Bergen, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment or proceeding of said council.

When ordinance or assessment shall not be set aside on writs of certiorari.

2. *And be it enacted*, That no ordinance, assessment or proceeding of the said mayor and board of aldermen shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of the city charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said city may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and said city may take proofs with reference to said facts, and if the

same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said board of aldermen; whenever any assessment is set aside, the said mayor and board of aldermen may appoint new commissioners to make a new assessment.

Certiorari not to be granted after contract.

3. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said city after the contract therefor shall have been awarded by the mayor and board of aldermen of said city, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said city after three months shall have expired from the date of the confirmation of said assessment by the mayor and board of aldermen of said city.

Proceedings when assessment is set aside on certiorari.

4. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said city, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Aldermen may contract for enlargement of main sewer.

5. *And be it enacted*, That the board of aldermen shall have power, by resolution, to provide for the enlargement and change of shape, where they may deem it advisabe, of the main sewer in the Jersey City and Bergen plank road, the Newark plank road, Jackson avenue and Monticello avenue, now under contract for construction, under an ordinance of the mayor and board of aldermen of the city of Bergen in relation thereto, approved November eleven, eighteen hundred and sixty-eight, and they may make a further contract with the present contractor for said work for the enlargement and change of shape, and the entire cost, charges and expenses of completing said sewer and said enlargement and change of shape shall be assessed upon and paid by the lands and real estate benefited thereby in proportion to the benefits received.

6. *And be it enacted*, That no ordinance, proceeding or assessment for any improvements heretofore made shall be set aside on certiorari, and no certiorari shall be had or maintained because the commissioners appointed under an ordinance of the mayor and councilmen of the town of Bergen, entitled "An ordinance to provide for creating and establishing a proper grade for the several public streets, roads, and side and cross walks in the town of Bergen," approved September twenty-six, eighteen hundred and sixty-six, failed to make their report, and the maps and profiles, and do the other acts and perform their duties within the time stated in said ordinance, but said reports, maps and profiles in reference to the proper grades of streets now reported and on file in the office of the clerk of the city of Bergen, shall have the same force and effect and be as valid and effectual in law, whether now approved or confirmed or that may hereafter be approved or confirmed, by ordinance or resolution, as if every provision of said ordinance and of the charter of the said town and present city of Bergen had been fully and faithfully complied with, and the same appeared of record upon the minutes and proceedings of said council and board of aldermen; and the grades of streets as shown on said maps now filed or hereafter to be filed as aforesaid within three months, shall not be changed except as set forth in section sixty-eight of the charter of the city of Bergen.

Proceedings not to be set aside by reason of failure to report.

7. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen shall have power from time to time, and as often as they may deem it necessary, to refer back to the commissioners appointed for the location of new streets under section thirty-nine of the city charter, and an ordinance of the mayor and board of aldermen of the city of Bergen, entitled "An ordinance for the appointment of a commission for the location of streets upon lands not laid out into lots and blocks;" the map of streets and blocks in the city of Bergen as laid down by said commissioners for revision, alteration, or amendment of the whole or of any part thereof, and may designate by resolution in what particulars the same shall be altered or amended; and when said map or maps are satisfactory to said mayor and board of aldermen, they may from time to time, by resolution, confirm such portion thereof as they deem right, and all or any part thereof, when confirmed, shall not hereafter be changed by said mayor and board of aldermen; and the expense of said commission, including

Proceedings for re-examining and correcting maps.

surveys, costs of maps, commissioners' fees and all other expenses, shall be collected by a general tax upon all the real and personal property in said city, and it shall be included in and collected under the ordinance for the assessment of the annual tax of said city for the year eighteen hundred and sixty-nine or the year eighteen hundred and seventy, and no other assessment shall be made therefor.

May change grade of street

8. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen shall have power by resolution to change the grade of any street or avenue in said city whenever they find it necessary to do so, where any sewer or any portion thereof when constructed would not, in their opinion, be a proper depth below the present grade of said street, road or avenue; and the cost and expenses of said change of grade shall be paid by a tax upon all the real and personal property in said city, and may be assessed and collected under any tax ordinance of the mayor and board of aldermen of said city for the collection of the annual taxes in said city.

Approved April 2, 1869.

CHAPTER DXVI.

A Supplement to "An Act to incorporate the New Jersey Trust Company," approved April sixteenth, eighteen hundred and sixty-eight.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the business and the corporate powers of the company incorporated by the act to which this is a supplement, shall be exercised by a board of ten directors, and the persons named in the first section of said act to which this is a supplement, together with William J. A. Fuller, Benjamin G. Clark, Frank Thomson, and Alexander H. Wallis, Delos E. Culver and Noah D. Taylor, shall be the commissioners to open books for subscriptions to the capital stock of the said company and directors of the said company for one year from and after the passage of this

act and until others are elected in their places in the manner provided for by the said act to which this is a supplement.

May construct and maintain a railway.

2. *And be it enacted*, That the said company may erect warehouses and other buildings for the purposes of its business, at any point in the county of Hudson on the shore of the Hudson river or New York bay, or of any bay or cove adjacent thereto that may be purchased by it, and build and erect a dock or docks opposite thereto for the use of the said company and its customers, and may mortgage any real and personal estate owned, held or possessed by it, to secure the payment of the bond or bonds of the said company, and may survey, lay out, construct, maintain and operate a tramway or railway sixty feet in width from its said warehouses to the railroad now operated by the Erie railway company or any other railroad running through or that shall have its terminus in the county of Hudson, with all necessary switches, turnouts and other facilities and appurtenances necessary and requisite for the purposes of said tramway or railway; and for the purposes of enabling said company to survey, lay out, construct, maintain and operate said tramway or railway, and to take, acquire and appropriate the lands and materials necessary for that purpose; the said company is hereby invested with all the powers, rights and privileges given, granted and conferred upon the Mount Hope Mineral Railroad Company by an act entitled "An Act to incorporate the Mount Hope Mineral Railroad Company," approved March the sixteenth, eighteen hundred and sixty-six; subject, however, to all the restrictions and conditions imposed by the said act; *provided*, that nothing in this act shall be construed as granting to the said company any of the lands of the state lying under water.

Proviso.

Rates of commission.

3. *And be it enacted*, That the terms authorized by the third section of the said act to which this is a supplement, to be charged by the said company by way of compensation for its guaranty, or for storage or the management, custody and charge of real and personal estate and property or for the advance of moneys, securities or credits, may be a commission of five per centum on the amount or value of the payment guaranteed, or of the property taken on storage or given to its management, custody or charge, or upon which an advance of any security or credit may be made in addition to the interest provided to be paid by the said act to

which this is a supplement; but said commission shall in no event exceed said five per centum.

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

Approved April 2, 1869.

CHAPTER DXVII.

An Act to authorize the Chosen Freeholders of the county of Union to borrow money.

Preamble. WHEREAS, the chosen freeholders of the county of Union have incurred an indebtedness of about sixty thousand dollars in excess of the amount received by taxation for the current expenses of the county and for the payment of fifty-eight thousand dollars of bonds of the said county heretofore issued,

May borrow money and issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said corporation to borrow a sum not exceeding one hundred thousand dollars to liquidate the said indebtedness, and for such purpose to issue, from time to time, their coupon bonds, with interest not exceeding seven per centum per annum.

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

Approved April 2, 1869.

CHAPTER DXVIII.

A Further Supplement to the act entitled "An Act for the Punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that if any person shall hereafter directly or indirectly give, offer, or promise to give any sum of money or other valuable thing, or any promissory note, bill of exchange, check, or other evidence of debt, or any other bribe, present or reward, or give or make, or offer to give or make any promise, contract, covenant, obligation or security for the payment, delivery, alienation, or transfer of any money or other valuable thing, or any other bribe, present or reward to obtain, procure or influence the opinion, behaviour, vote, or abstaining from voting of any member of the senate or general assembly of this state upon any bill, resolution or other proceeding depending before the legislature, or before the senate or general assembly of this state, or upon any election or appointment to office to be made by the senate or the general assembly of this state, or by the senate and general assembly in joint meeting, such person so giving, offering or promising to give, or making or offering to make any such sum of money or other valuable thing, promissory note, bill of exchange, check, evidence of debt, promise, contract, covenant, obligation, security, bribe, present or reward, and the member of the senate or general assembly, or other person who shall in anywise directly or indirectly receive or accept the same, shall be adjudged guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment at hard labor, or both, but such fine shall not exceed five thousand dollars, and such imprisonment shall not exceed five years, and shall also be forever disqualified to hold any office of honor, trust or profit under this state; *provided, however*, that if the person who shall make any such gift, offer or promise as aforesaid shall, in any legal proceeding in which the evidence shall be relevant and material, give evidence concerning such gift, offer or promise against any member of the senate or general assembly, or other per-

Penalty for offering bribe or reward.

Penalty for receiving bribe or reward.

Proviso.

son, who shall in any wise, directly or indirectly receive or accept any such promise or reward as aforesaid, then every such person so testifying shall not be liable to indictment or conviction for having made any such gift, offer or promise;

Proviso. *and provided also*, that if any member of the senate or general assembly, or other person who shall in any wise directly or indirectly receive or accept any such gift, promise or reward as aforesaid, shall in any legal proceeding in which the evidence shall be relevant and material, give evidence concerning such gift, offer or promise against any person who shall make any such gift, offer or promise as aforesaid, then every such member of the senate or general assembly or other person so testifying shall not be liable to indictment or conviction for accepting or receiving any such gift, promise or reward as aforesaid.

Repealer. 2. *And be it enacted*, That the second section of the supplement, approved April third, eighteen hundred and fifty-five, to the act to which this is a further supplement, be and the same is hereby repealed.

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

Approved April 2, 1869.

CHAPTER DXIX.

Supplement to the Act entitled "An Act for the better security of titles to land sold by Sheriffs or other officers," approved March twenty-fifth, eighteen hundred and sixty-four.

Provisions of act extended. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the second section of the act to which this is a supplement shall apply not only to conveyances made and executed by sheriffs and other officers as therein provided, but shall apply also to all deeds, declarations of sale and conveyances, duly acknowledged or proved, heretofore or hereafter made by or by

authority of any public or municipal authority, authorized or empowered under or by virtue of any law of the state to make and execute or to direct or procure the making and execution of any deed, declaration of sale or conveyance; and the proceedings upon which such deeds, declarations of sale and conveyances are founded shall not be subject to be questioned colaterally but may be at any time reviewed by certiorari or other proper proceeding in the supreme or circuit courts.

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

Approved April 2, 1869.

CHAPTER DXX.

An Act to repeal the "Act constituting the Mercantile Court of the city of Newark," and the supplement thereto.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Act constituting the Mercantile Court of the city of Newark," passed April ninth, eighteen hundred and sixty-eight, and the supplement thereto, approved April seventeenth, eighteen hundred and sixty-eight, be and the same are hereby repealed.

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

Passed April 2, 1869.

CHAPTER DXXI.

A Supplement to the act entitled "An Act to establish a new township in the county of Essex, to be called the township of Woodside," approved March twenty-fourth, eighteen hundred and sixty-nine.

Bounda ies. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the said township shall be as follows, that is to say: Beginning at the intersection of the centre of Second river with the centre of Passaic river; thence running along the centre of said Passaic river southerly the several courses thereof to the northerly line of the city of Newark; thence running along said line westerly to the centre of the Great Boiling Spring; thence running along the easterly line of the township of Bloomfield northerly to the centre of the road leading from the Old Bloomfield road to J. Hunt Adams' Montgomery Print Works; thence easterly to and along the centre of Second river to the centre of the stone bridge over the Second river at Hendricks' Upper Copper Works; thence northerly to the north side of the public road; thence easterly along the north side of said road the several courses thereof to the Paterson and Newark railroad; thence southerly along said railroad to the centre of Second river; thence easterly along the centre of Second river to the place of beginning.

Rep ier. 2. *And be it enacted*, That so much of the act to which this is a supplement as conflicts with the provisions of this act be and the same is hereby repealed, and that this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DXXII.

An Act to incorporate the City of Plainfield.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of all that part of the township of Plainfield, in the county of Union, contained within the following limits and boundaries, that is to say: beginning at a point in the middle of Green Brook, where the boundary line of the townships of Plainfield and Westfield intersect the boundary line of the counties of Union and Somerset, being also the middle of Terrill road; thence southeasterly along the middle of said road to the middle of South avenue, so called; thence southwesterly along the middle of said avenue to its intersection with the middle of the public road; thence southerly along the middle of said road, passing the residences formerly of C. O. Meeker, N. Kerr, D. Melick and others, to a point in the boundary line between the townships of Plainfield and Piscataway, (being also the boundary line between the counties of Union and Middlesex;) thence westerly along said boundary line to the middle of the public road leading to the residences of E. P. Sanger, W. McD. Coriell, and others; thence northwesterly along the middle of said road, passing said residences, to the northerly side of Main street; then still in the last named course to a point in the middle of Green Brook, being the boundary line between the said counties of Union and Somerset; thence northeasterly along said brook, the different courses thereof, to the place of beginning, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name, style and title of "The Inhabitants of the City of Plainfield."

Charter officers.

2. *And be it enacted*, That hereafter there shall be chosen in said city, from among the citizens thereof, one mayor, who shall be keeper of the city seal, three aldermen, eleven members of common council, one clerk, one assessor, one collector, one treasurer, one street commissioner, three judges of election, three commissioners of appeal and such and so many policemen and subordinate officers as the said common council

may deem necessary to appoint, for their own organization or for the convenience and well being of the said city.

Annual charter election.

3. *And be it enacted*, That the annual election in and for said city shall be held on the first Tuesday in May of each and every year, and at such place or places as the common council of said city shall direct or appoint, of which time and place or places the clerk of said city shall cause public notice to be given by advertisement, to be set up in at least five public places in said city, and published in two newspapers, if so many there be printed therein, at least ten days previous to the day of such election.

Mayor and aldermen justices of the peace ex officio.

4. *And be it enacted*, That the mayor and aldermen of said city shall be justices of the peace, ex-officio, within the said city for all purposes contemplated by this act, and shall be elected by the legal voters of said city, the mayor for two years and the aldermen for three years, to be commissioned by the governor in the same manner as the justices of the peace throughout the state are commissioned, so far as may be in accordance with this act, and be amenable in like manner, and shall severally and respectively have all the power and authority of the said justices of the peace: *provided however*, that the said mayor and aldermen shall not, by virtue of their said offices, be authorized to try any civil action except such as may arise under any ordinance or by-law of said city for the recovery of a penalty, fine, or assessment for taxes or damages.

Proviso.

City officers.

5. *And be it enacted*, That at the first election of officers under this act, which shall be held on the first Tuesday of May next, and annually thereafter, there shall be chosen in said city, by the legal voters thereof, from among the citizens of the same, one mayor, to serve two years; three aldermen to serve three years, which said aldermen shall meet within three days after their first election and divide themselves into three classes by lot; the seats 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 alderman shall be chosen at each and every annual election thereafter, to take the place of the one whose term of service shall then expire; and eleven members of common council to serve one year; and in addition to the above named officers, there shall be chosen at the said election for city officers, and at each annual election thereafter, one clerk, one

assessor, one collector, one treasurer, one street commissioner, three judges of election and three commissioners of appeal.

Elections, how conducted.

6. *And be it enacted*, That the poll of each election shall be opened at seven o'clock in the forenoon, and close at seven o'clock in the afternoon, and the three judges of election shall be the officers of said election; and in case of the absence, death, disability, or refusal to serve of any of said officers of election, on the day of election, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies; that the name of each voter at such election shall be written on the poll list by the city clerk, and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for the terms specified in this act; *provided*, that in voting for members of the common council, not more than six names shall be printed or written, or partly printed and partly written, on any one ballot, or be voted for by any one voter, and the eleven persons voted for as members of the common council receiving the highest number of votes shall be declared elected; and if a tie be found to exist between names receiving the lesser number of votes, and the necessity thereby arises, in order to designate the chosen eleven members of common council, to drop one or more names, the persons whose names are so equalized shall decide by lot, in presence of the said officers of election, which name or names shall be dropped from the list of names so voted for; *and provided, also*, that in voting for judges of election and for commissioners of appeal respectively, not more than two names shall be printed or written, or partly printed and partly written, on any one ballot, or be voted for by any one voter, and the three persons receiving the highest number of votes shall be declared elected judges of election and commissioners of appeal respectively, and in the event of a tie between names receiving the lesser number of votes, the same formality shall be observed as this section prescribes in the case of members of common council.

Proviso.

Proviso.

Qualifications of voters.

7. *And be it enacted*, That all persons residing in said city, entitled to vote by the constitution of this state at elec-

tions by the people, shall be entitled to vote at all elections under this act, and the said citizens so entitled to vote, shall be capable of holding any office created by this act of incorporation, with the exception, that no person shall be elected or serve as mayor or common council unless he shall have resided in said city at least one year immediately preceding said election.

Duties of council.

8. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have the power from time to time, and at all times hereafter, to hold a common council within said city, at such time and place as may be appointed by the ordinances or resolution of the said common council; to meet upon their own adjournments, and to call special meetings by request of any three members of said council in writing, addressed to the clerk of said council, or by order of the president of said council; and that the whole legislative power of the corporation of said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of at least six members of said common council, and unless the same shall have been introduced before the said common council at a previous meeting.

Proviso.

Charter officers required to take oath.

9. *And be it enacted*, That the mayor of said city shall, before he enters upon the duties of his office, take and subscribe before a judge of the court of common pleas, of the county of Union, or any officer authorized to administer the same, an oath or affirmation that he will faithfully and justly perform all the duties of said office to the best of his ability; and that the aldermen, members of the common council, clerk, assessor, collector, treasurer, street commissioner, judges of election, commissioners of appeal, and all other officers appointed or elected by virtue of this act, shall, before they enter upon their respective duties, take and subscribe before the said mayor, who is hereby authorized to administer the same, the like oaths or affirmations; and it shall be the duty of the said clerk to file and preserve the said oaths and affirmations in his office; and all such oaths or affirmations shall be taken within five days after the day of election or appointment.

President of council mayor in his absence.

10. *And be it enacted*, That in the absence of the mayor, any one of the aldermen of said city shall administer such oaths and affirmations of office as the mayor is authorized

by this act to administer; and during such absence, the other official duties of the mayor shall be discharged by the president of the common council.

Vacancies, how filled.

11. *And be it enacted*, That in case of a vacancy happening in any office created and made elective by this act, by death, resignation, removal or otherwise, except in officers of election, on the day of election, it shall be filled by the said common council at their next meeting thereafter, and the said appointment shall continue until the next annual election, and no longer.

Treasurer to give bond.

12. *And be it enacted*, That the treasurer and collector of said city, before they enter upon their respective offices, shall each execute a bond to the inhabitants of the city of Plainfield, conditioned for the true and faithful performance of all the duties of their said offices, in such sums and with such freehold security as the common council shall approve and direct.

Duties of officers.

13. *And be it enacted*, That the clerk, judges of election, assessor, collector and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition thereto, the said clerk shall attend all meetings of the common council of said city, keep accurate minutes of their proceedings, and insert the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the common council, and shall do and perform all such other duties as the said common council may from time to time prescribe; and the power and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances of the said common council.

Duties of the treasurer.

14. *And be it enacted*, That it shall be the duty of the treasurer of said city to receive and pay out all moneys belonging to the said city, under the direction and by authority of the said common council; to make out annually, on the second Tuesday in April, or oftener should the said common council so require, and publish in two newspapers printed in said city, if so many there be, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom, from the commencement of his official year to the date aforesaid.

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

Council may pass ordinances for various purposes

for the common council of said city to pass such ordinances or by-laws as to them shall seem meet and necessary for regulating, leveling, grading, paving, graveling, cleansing and keeping in repair the streets, roads, highways, alleys and crosswalks in said city; *provided*, that the expense of paving any street, road, highway or alley, with stone or wood, shall be equitably assessed upon and paid by the owners of property fronting thereon; for preventing or removing all obstructions, encroachments, encumbrances and nuisances or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in said city; for ascertaining and establishing the grade and boundaries of all streets, alleys and sidewalks in said city; for causing the territory embraced within the boundaries of said city to be accurately surveyed and mapped for roads, streets and avenues; for curbing, grading, paving, flagging, graveling, cementing, or planking sidewalks in said city; for preventing or removing all obstructions, impediment, incumbrances or nuisances on any street or street crossing, caused by any railroad company or its agents; for preventing persons from riding, driving or passing over or upon the sidewalks, except when necessary to cross the same, with horses, wagons, carts or carriages of any description; for lighting the streets and alleys in said city; for preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine; for preventing the immoderate riding or driving through or in any street or alley of said city; for keeping sidewalks and gutters free from snow, ice and other impediments; for preventing or suppressing any riots, routs, disturbances, breaches of the peace or disorderly assemblages in any street, alley, house or place in said city; for sinking and regulating pumps, wells and cisterns in the streets or enclosures of said city for the extinguishing of fires; for regulating fire engine, hose and truck companies; for the prevention and suppression of fires; for regulating the keeping of gunpowder and other combustible or dangerous materials; for cleansing of chimneys and regulating the same; for appointing policemen, regular or special, watchmen, and other subordinate officers, and prescribing their powers, duties and compensation; for regulating weights and measures; for establishing and regulating one or more public pounds; for restraining vagrants, mendicants and street beggars; for erecting, repairing and regulating a city hall and

city jail; for assessing and collecting taxes; for regulating and conducting city elections; for preserving peace and good order; for preventing or suppressing all gaming and disorderly houses; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires, or to endanger the health or well being of the inhabitants of said city; for the sewerage or drainage of said city; for laying down iron, lead, glass, wood or other pipes for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said city, and for regulating the same; for the protection and regulation of shade trees; for the suppression and punishment of vice and immorality; for licensing taverns and saloons; and the said common council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well being and convenience of the said city as they may deem necessary, proper and expedient, not repugnant to this act, or to the constitution of this state or of the United States.

Mayor must approve ordinances, &c.

16. *And be it enacted*, That every ordinance passed by the common council shall, before it takes effect and becomes a law, be presented to the mayor for his approbation; if he approve thereof he shall sign it, if not, he shall, at a regular or special meeting of the common council, to be held not earlier than ten days from the date of such passage, due notice being given him of such meeting, state to said council his objections thereto, in writing, whereupon the common council shall again vote, and if such ordinance shall again pass, the same shall take effect and become a law, notwithstanding the objections of the said mayor; the such objections shall be entered upon the minutes of the common council; and if the said mayor shall not sign or state his objections within the time specified, such ordinance shall take effect and become a law in the same manner as if he had signed it; every ordinance or supplement thereto, when of legal effect, shall be attested by the city clerk and published in two newspapers printed in said city, if so many there be, fifteen days before said ordinance or supplement shall go into effect; and it is hereby made the duty of the said clerk to perform the service enjoined by this section without any delay.

Ordaining clause.

17. *And be it enacted*, That the ordinances of the common council of said city shall begin in the following manner, to wit: "Be it ordained and enacted by the inhabitants of the

city of Plainfield in common council assembled, and it is hereby enacted by the authority of the same."

Power to assess and raise money for current expenses.

18. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised by tax in any one year such sum of money, not exceeding ten thousand dollars, as they shall deem expedient for the current expenses of said city, and for all other objects and purposes authorized by this act, to be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes; which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council.

Proceedings in case extra sums are necessary.

19. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of the said city then and in such case the said common council are hereby authorized to give notice to the inhabitants of said city, by advertisements published in two newspapers printed in the said city, if so many there be, at least fifteen entire days before the day of holding any election hereinafter mentioned, and by printed hand-bills put up in five of the most public places of said city for a like period, that an election will be held at the time and place therein mentioned, the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice, at which said election only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly written and partly printed, for or against the sum of money proposed by the said common council in and by their said notice, which said ballot shall contain the word "money," or the words "no money;" the time of opening and closing the poll at such election, and the mode and manner of conducting the same, shall be as is prescribed by this act for annual elections, and every sum of money so voted by any resolution of the said common council to be raised by tax in the said city, and approved of by a majority of the whole number of law-

ful ballots cast in any such election, shall be assessed, collected and regulated according to the twenty-eighth section of this act.

May borrow money.

20. *And be it enacted*, That it shall not be lawful for the said common council to borrow money on the faith and in the name of said city, except, when necessary to anticipate the collection of taxes, and then, for an amount never to exceed in the aggregate the sum of five thousand dollars, or for a period later than sixty days after the taxes for the current year are finally due; and every such temporary loan or loans shall be fully paid and redeemed out of the taxes so collected.

Council to license inn-keepers, &c.

21. *And be it enacted*, That the common council of said city, or a majority thereof, shall have the sole, only and exclusive right and power of licensing and assessing every inn keeper and retailer of spirituous liquors within said city, subject to the same provisions, and in like manner as the same is or may be lawfully done by the county courts in this state; and the said common council shall have the sole, only and exclusive right and power of licensing such and so many keepers of oyster houses and cellars and places for the sale of fermented liquors within said city, upon such terms and conditions, and subject to such regulations as the said common council may deem most conducive to the public good; and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

May make regulations for grading sidewalks.

22. *And be it enacted* That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for the curbing, grading, paving, flagging, graveling, cementing, or planking of any sidewalks, in any street or streets, or section of a street in said city, by the owners or occupants of lots, fronting on or adjoining such street or streets, or section of a street, and to prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties for noncompliance therewith, to be sued for and recovered with costs of suit, in an action of debt, in the name of the treasurer of said city, for the use of said city, before the mayor or any one of the aldermen, or in any court having cognizance thereof; *provided*, that before any such ordinance or regulation shall be adopted by the said common council, notice of such intended action shall be published by the city

Proviso.

clerk in two newspapers printed in said city, if so many there be, for the period of at least fifteen days.

May lay out and open, &c., streets.

23. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for the laying out, opening, extending, altering or widening of any street, road, highway or alley within said city as they shall judge the public good requires the same to be done; *provided*, that the commissioners appointed by the said common council for such purpose shall be, in every case, residents of said city, and entirely free from pecuniary interest in any houses or lands to be affected by assessments or awards by reason of any such laying out, opening, extending, altering or widening; *and provided also*, that no street, road, highway or alley within said city shall be laid out, opened, extended, altered or widened as aforesaid, except on the application, in writing, to the said common council of two-thirds of all the frontage ownership of land lying on said proposed street, road, highway or alley; *and provided further*, that in laying out, opening, extending, altering or widening any street, road, highway or alley within said city, the said commissioners shall perform like duties and be subject to the like requirements and penalties as the surveyors of the highways are now required to perform and are subject to by the law of the state concerning roads; and the said law of the state is hereby made applicable in all cases of opening, extending, altering or widening any street, road, highway or alley within said city, except as otherwise herein provided.

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Proviso.

Licensing shows and exhibitions.

24. *And be it enacted*, That the common council of said city shall have the sole and exclusive power of licensing all circuses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of said city, on such terms and subject to such restrictions as the said common council may prescribe, which said power of licensing the said common council may by ordinance delegate to the mayor or any one of the aldermen of said city; and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

Fees and compensation to officers.

25. *And be it enacted*, That the common council of said city shall have power, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city as to the said council shall seem necessary and proper; *provided*, that the mayor shall not receive compensation for

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the performance of his official duties exceeding three hundred dollars per annum; and that the members of common council shall not be paid, directly or indirectly, any compensation for the performance of their official duties.

Meetings of council public

26. *And be it enacted*, That the place of meeting of the said common council shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business.

May impose fines and penalties for violation of ordinances.

27. *And be it enacted*, That the common council of said city shall and may make and impose fines and penalties against all persons who shall offend against the by-laws and ordinances of the said common council, and the said mayor, or any one of the said aldermen, is hereby constituted a court of record to take cognizance of all offences against such by-laws and ordinances and punish all offenders against the same by fine, not exceeding fifty dollars, or imprisonment, not exceeding thirty days in the jail of said city, or in the county jail or both fine and imprisonment, together with the costs of conviction; and it shall and may be lawful for the said mayor, or any one of the said aldermen, upon complaint made on oath or affirmation of an offence committed against the said by-laws and ordinances, and on conviction thereof, to issue his warrant to any policeman of said city, commanding him, in case any offender or offenders be sentenced to imprisonment, to convey him, her or them to the jail aforesaid, there to remain until the term of imprisonment shall have expired and the costs of conviction 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, or any one of the said aldermen before whom such conviction may be had, to issue an execution to any policeman of said city commanding him to levy and make such fine and costs of the goods and chattles of the offender or offenders, and the said policeman is hereby authorized and required to execute the process aforesaid; that the jailor of the county of Union shall receive and safely keep all such offenders as shall be committed to the jail of said county by the mayor, or any one of the aldermen of said city, for the term of his, her or their imprisonment as expressed in the warrant of commitment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Union.

28. *And be it enacted*, That the city assessor shall, with

Duties of the assessor and collector.

strict impartiality, assess taxes upon persons and property within the said city between the twentieth day of May and the first Monday in July annually; and the city collector shall collect the same between the fifteenth day of August and the fifteenth day of October, annually, for the exclusive use of said city, in the same manner as the assessors and collectors of townships are or may be required by law to assess and collect; *provided*, that all lands within the limits of said city, held as farm lands, and not for building purposes, shall be valued and taxed as farm lands in the same manner as they are now taxed for township purposes; and in case of the non-payment of taxes, the said collector shall return, on the fifteenth day of October, annually, the names of all delinquents, with the sums due from them, respectively, and to such city magistrate as the said common council shall by ordinance or resolution direct; and the said magistrate shall thereupon issue his warrant or warrants to the city policemen, or any of them, or such other person as the said common council shall for that purpose nominate and appoint, requiring him or them to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey relative to the collection of taxes; *and provided also*, that the said collector shall not be entitled to charge fees on account of any name mentioned in said warrant or warrants, unless the tax due from said delinquent be actually collected.

Proviso.

Proviso.

Commissioners of appeal.

29. *And be it enacted*, That the commissioners of appeal in cases of taxation, shall meet annually on the third Tuesday of September, to hear and determine all complaints of unjust taxation; they shall sit from two o'clock, p. m., until five o'clock, p. m., or longer if found necessary to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting, in two newspapers printed in said city, if so many there be, at least ten days previous to such assembling.

Mayor and aldermen may make arrests.

30. *And be it enacted*, That the mayor and aldermen of said city shall be, ex-officio, conservators of the peace within the limits of said city, and for this purpose they or any of them shall have authority, on complaint made to them, or any one of them, on oath or affirmation, to cause any person or persons to be brought before them, or any one of them, for any breach of the peace or violation of any law of this state, committed within the said city, or for disturbing the public tranquility in the said city; and upon such offender or of-

fenders being brought before them, or any one of them, they shall possess all the power and authority that is by law vested in justices of the peace of the several counties of this state in like cases, and shall require such offender or offenders to enter recognizance, or commit to the jail of the county of Union, to answer to the charge before the proper county court; and the policemen of said city shall be ministerial officers, and shall execute all and every process issued by the said mayor and aldermen, or any one of them, in pursuance of the authority hereby conferred, and the writs and processes issued as aforesaid, shall be of the same legal force and obligation on the keeper of the county jail and all others concerned, as if the same were issued by a justice of the peace in and for the county of Union.

Powers of the police.

31. *And be it enacted*, That the policemen of said city shall have the power to arrest and take into custody, without warrant, any offender against the by-laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said common council until a hearing can be had before the mayor or any one of the aldermen of said city; *provided*, that such hearing shall be held within twenty-four hours after the arrest of said offender or offenders.

Proviso.

How suits are prosecuted.

32. *And be it enacted*, That all actions to be brought under and by virtue of this act may be brought and prosecuted in the name of "The Treasurer of the City of Plainfield," without specifying the individual name of the treasurer of said city for the time being; and the book of records of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage, by said common council, of all ordinances and by-laws recorded therein; and the publication, by the authority of the said common council, of their ordinances and by-laws, in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof; and the publication of the said ordinances and by-laws in the public newspapers shall be presumed to have been made until the contrary be proved.

Inhabitants not incompetent as witnesses.

33. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation "The Inhabitants of the City of Plainfield" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said city; and that if any person shall be sued or impleaded by reason of anything done

by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Act shall not conflict with township and county officers.

34. *And be it enacted*, That this act shall in no way conflict with the election for township and county officers in the township of Plainfield, but such election shall be held in the same manner as now provided by law for holding township elections; and that part of the township of Plainfield outside of the boundaries herein described shall pay no part of the expense incurred by the city government, and the township committee, surveyors of highways and overseers of roads, shall have no jurisdiction within the limits of said city.

First charter election.

35. *And be it enacted*, That the first election for officers under this act, shall be held at Laing's Hall in said city, on the first Tuesday of May next, and shall be conducted by the officers of the last township election; *provided*, that the qualifications and time for voting shall be in accordance with the provisions of this act; *and provided also*, that two statements of the result of said election, as to mayor and aldermen, shall be made by the said officers of election, under their hands, one of which shall be filed with the city clerk, and the other transmitted or delivered to the secretary of state within five days after said election, the said officers first having received the result of the division into classes of the said aldermen, prescribed in the fifth section of this act, which shall be fully set forth in the statement aforesaid.

Proviso.

Proviso.

Act to be approved by a majority of electors.

36. *And be it enacted*, That this act shall go into effect whenever the electors of the district of territory embraced within the limits of said city of Plainfield as hereinbefore set forth, at a meeting thereof, called for the purpose of approving or rejecting the same, shall by a vote of a majority of the electors present, and voting by ballot, determine to adopt the same; the first meeting for that purpose shall be called by the township clerk of Plainfield within twenty days after the approval by the governor or final adoption of this act by the legislature of this state, to be held under the direction of the officers of the last township election, and at the same place and during the same hours, of which time and place the township clerk aforesaid shall give at least eight days previous notice by advertising it in two newspapers published in Plainfield, and posting it in five conspicuous places in the proposed city; and the electors entitled to vote for township and state officers who are in favor of this act, shall each de-

posit a ballot with the words "city charter" written or printed thereon, and those who are opposed, shall each deposit a ballot with the words "no city charter" written or printed thereon, and a canvass and return of the votes shall be made by the officers of election as aforesaid.

37. *And be it enacted*, That this act shall be taken and deemed to be a public act, and may at any time be amended, altered or repealed by the legislature of this state; *provided*, that all amendments or alterations relating to the raising of money by loan or taxation shall, before taking effect, be submitted to the electors of said city and be approved by a majority thereof, voting by ballot, at an election held in conformity with the requirements of this act relating to annual elections; and that this act shall take effect according to its tenor and provisions on and from the date of its adoption by the duly qualified voters of the proposed city aforesaid. Proviso.

Approved April 2, 1869.

CHAPTER DXXIII.

Supplement to "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of assessing taxes required by law to be levied in the city of Elizabeth, and revising the same, a board of commissioners is hereby constituted, to be known and designated as "The Board of Assessment and Revision of Taxes in the City of Elizabeth," which board shall consist of one person from each ward, who shall be elected at the annual charter elections to be held in said city. Board of assessment and revision of taxes.

2. *And be it enacted*, That the said board shall, except as hereinafter directed, perform the duties now imposed by law upon the assessors of the several wards in said city, upon the board of assessors for the said city, and upon the commission- Duties of the board.

ers of appeal in cases of taxation of said city, which offices are hereby abolished, and the provisions of the law which require the election of such officers in the said city are hereby repealed.

President.

3. *And be it enacted*, That said board shall annually on the first Monday of May, elect one of their number to be president, and may make rules and regulations for their own government not inconsistent herewith.

Who shall constitute the first board.

4. *And be it enacted*, That the persons elected in the several wards of the said city at the last general election as assessors shall constitute the first board of assessment and revision of taxes in the city of Elizabeth, and shall hold their office until the first day of May, in the year eighteen hundred and seventy, and at the first charter election held in the said city after the passage of this act, one member of said board shall be elected in each ward, and those elected from the wards of uneven numbers shall hold their office for one year from the first day of May then next, and those elected from the wards of even numbers shall hold their office for two years from the first day of May then next, and thereafter whenever a term of office of any member is about to expire in any ward, a person shall be elected in such ward a member of said board at the charter election next preceding the time of the said expiration of office, and said person shall hold his office for two years; a majority of said board shall be a quorum for the transaction of business; they may employ from time to time such clerks or assistants as may be necessary in the performance of their duties; any vacancy that shall occur by resignation, death or removal, shall be filled by the city council, but the person or persons so appointed shall hold his or their office only for the residue of the term for which he or they may be appointed.

Proceedings of board.

5. *And be it enacted*, That the said board shall, at such time during each year as they, or a majority of them, may deem best to facilitate the making of assessments, proceed to make the valuations, enumerations and assessments required by law, and equalize the same, as required by the sixty-ninth section of the act to which this is a supplement; they shall tabulate and arrange the same in lists, which shall exhibit, in alphabetical order or otherwise, the names of all persons, firms, companies or corporations liable to be assessed to pay any tax, together with the value, enumerations and assessment of the object liable to taxation for which each person,

firm, company or corporation is liable; and all valuations of property and assessments of taxes for each year in said city shall be considered as made on the first Wednesday in April, and shall constitute a lien upon the lands in respect to which the said assessment was made, on and from that date; the said board shall complete the said lists on or before the third Monday in June in each year, and shall give public notice by advertisement, by posters, or in a newspaper or newspapers published and generally circulated in said city, at least ten days prior to the said third Monday in June, that the said lists will be open for public inspection, examination and correction, at some suitable place in said city on the third Monday in June, and continue open until the second Monday in July then next ensuing, during which time the said public notice shall continue to be published; and during said time the said board shall proceed to hear and consider all complaints touching said valuations and assessments, and to increase, reduce, alter or modify the said lists according to law, and as to them may appear just and equitable; *provided*, that no valuation or assessment shall be increased without a previous notice in writing of five days, to the party interested, which notice shall be served personally or left at the place of residence or business of the party interested, or sent by mail to such party, in case he, she or they be non-resident in said city, and the residence of such party be known to the said board; and it shall be lawful for the said board, in the performance of their said duties, to require all parties liable to taxation to render an account of their taxable property, in such manner as they shall direct, and to require, by summons, the attendance of witnesses and the production of books and papers, in the manner and under the penalties hereinafter provided in the eighth section of this act; the said board, or such members thereof as they shall designate for that purpose, shall attend all the meetings of the assessors of the county, which shall be convened according to law, and in the proceedings of said body shall be entitled to as many votes as there shall be wards in said city of Elizabeth; immediately after the adjournment of the annual meeting of the assessors of the county, which shall hereafter be held on the third Monday in July in each year, the said board shall proceed to fix and determine such a per centage upon the gross valuation of the assessable property in the said city for said year, within and without the lamp

Proviso.

districts as required by law, as will produce the amount of tax required to be raised for said year, which shall be declared by them to be the rate of taxation for said year (the proviso of the sixty-fourth section of the act to which this is a supplement, and the second section of the supplement to said act, approved April fifth, eighteen hundred and sixty-five, being hereby repealed), and they shall complete the said lists accordingly; on the second Monday of August they shall deliver the said lists so completed and perfected to the receiver of taxes for said city, and within the time required by law, another copy to the city treasurer, both under the oath or affirmation of the president, or some other member of said board; the city council of said city shall in no case have power to remit or reduce any taxes so assessed in said city.

Duties as to notices.

6. *And be it enacted*, That it shall be the duty of such board to make out the bills or notices of demand of the payment of said taxes, and notices of the meeting of the board hereinafter provided for, and on or before the first Monday in September in each and every year, shall serve such notices on all resident taxpayers, and mail such notices to all persons as may be non-resident, whose residences are known, in the manner provided in the fifth section of this act, and for such services they shall receive such compensation as the city council shall determine.

Meetings to determine appeals.

7. *And be it enacted*, That the board shall meet as aforesaid on the third Monday in September in each year, of which meeting ten days' notice by advertisement shall be given as aforesaid, at which time and from day to day thereafter, they may hear and determine appeals from said assessments and valuations by all persons who will make it appear by affidavit to the satisfaction of said board that they were absent from the city or disabled by sickness from appearing during the whole interval from the third Monday in June to the second Monday in July above mentioned; the said board may, upon sufficient proof by the vote of a majority of the whole number of the members of said board, and not by a less number, correct the valuations and assessments of said appellants as they may deem right and proper, and give to said appellant a certificate thereof; the said board shall have power during the time of their meeting as provided for in this section, to make assessments in all cases, upon persons who may become residents of the city of

Elizabeth, after the first Wednesday in April, and before the second Monday in August, and also in all cases, previously omitted or neglected by mistake; and also to increase assessments in all cases, when it would be just and equitable; *provided*, that no person shall be assessed nor shall any assessment, other than one appealed from, be increased at the said September meeting of said board, except on a notice in writing, to the party interested, served or mailed five days prior to the making or increasing of such assessments, which notice shall be served in the manner directed for similar notices in the fifth section of this act; immediately upon concluding their duties, and before the first Monday of October, they shall deliver to the receiver of taxes of said city a true and particular statement of all taxes so remitted, reduced or increased by them; if any person whose assessment shall have been changed as aforesaid by said board, shall have already paid his taxes for said year, he shall present the said certificate to the receiver of taxes, who shall compare the same with the statement presented to him by said board as above mentioned, and if found correct he shall pay the same, and said certificate shall account as so much cash in the settlement of his account. Proviso.

8. *And be it enacted*, That it shall be lawful for the said board or for the treasurer of the city of Elizabeth, to make such corrections in the descriptions of any lands and real estate assessed for taxes, as shall be necessary to better ascertain the location and extent thereof; and the taxes assessed upon such lands and real estate shall be and remain a lien upon such lands and real estate, according to the said corrected description of the same; *provided*, that all such corrections be made before the public notice is given of the sale of lands and real estate for unpaid taxes. May correct descriptions of lands, &c. Proviso.

9. *And be it enacted*, That in case of the refusal of any person or officer of any corporation when called upon by the said board, or their officers or agents, to give his name, or any information required for the purpose of this act, or in case of the refusal of the proprietor or keeper of any dwelling-house, boarding house or inn, to give the names of the residents of said house, or any other such information as aforesaid, or in case any person shall deliver to any of said officers any list, statement or return, which in the opinion of the board may be false or fraudulent, it shall be lawful for the said board to summon such person so refusing, or delivering Proceedings in case of refusal to give names or when false return is made.

such list or statement as aforesaid, to appear before said board and to give testimony, and to answer any questions, under oath or affirmation, which oath or affirmation any member of said board is hereby authorized to administer, respecting any matters in the opinion of said board connected with the discharge of their duties; such summons may be served by any member of the board or policeman of said city of Elizabeth; and in case any person so summoned shall neglect or refuse to obey such summons or to give testimony or to answer questions as required, it shall be lawful for said board upon affidavit proving the facts, to apply to any judge of any circuit court of said state or of the court of common pleas of the county within the said city for an attachment against such person as for contempt; it shall be the duty of such judge to hear such application, and if satisfactory proof be made, to issue an attachment directed to any constable or police officer of said city for the arrest of such person, and upon his or her being brought before them, to proceed to a hearing of the case, and the said judge shall have power to enforce by imprisonment in the county jail, obedience to the requirements of the summons and payment of the costs of said proceedings to be taxed by said judge.

Members of board must take an oath.

10. *And be it enacted*, That each person elected or appointed a member of said board before he enters upon the execution of the duties of his office, and within forty days after the commencement of his term of office, shall take and subscribe the oaths of office prescribed by the twenty-fourth section of the act incorporating said city, and in case of failure to do so his said office shall be deemed vacant.

To be provided with a suitable office.

11. *And be it enacted*, That the city council of the city of Elizabeth shall furnish a suitable office for said board, with the necessary furniture, stationary, books and conveniences for the transaction of their business; the members of said board, and the clerks or assistants of said board shall receive such compensation as may be determined by the city council; all claims under this section shall be certified to by the said board, and presented to the city council for payment.

Record of unpaid taxes.

12. *And be it enacted*, That it shall be the duty of the city council to cause a record of the unpaid taxes which are a lien on any real estate in said city, and also of real estate recently sold for taxes, to be made in a book to be called "The Record of Unpaid Taxes," said record shall designate, by wards and alphabetically, the owners of the property, the

assessment description of the real estate liable, the amount of tax unpaid and the date when the same was payable; said book shall further have ruled therein appropriate spaces for the entries hereinafter required to be made; said book, when complete, shall be deposited in the office of the receiver of taxes and remain under his charge, supervision and control, and every year thereafter he shall, at the time of making out the list of delinquents, enter in said book, arranged by wards and alphabetically, in the manner above specified and in their appropriate spaces, the names of delinquents, the description of property and the unpaid tax for such year which may remain a lien on such real estate; and he shall enter in its appropriate space in such book the amount of tax, interest, costs, total amount and date of payment immediately on the payment thereof; whenever any property shall be sold for taxes the city treasurer shall report the same, together with the date of sale, the costs thereof, the name of the purchaser and the term of years for which the same was sold, to the receiver of taxes, who shall enter the same in their appropriate spaces in said book; and on the production to him of a certificate of redemption thereof he shall enter in said book the date of redemption and the name and interest of the person redeeming.

Receiver of taxes.

13. *And be it enacted*, That it shall not be necessary for the receiver of taxes to make the entries in books required by the eightieth section of the act to which this is a supplement, and the transcript therein required may be made from the record of unpaid taxes herein provided for.

Record of unpaid assessments

14. *And be it enacted*, That the city council shall cause a similar book of unpaid assessments to be prepared, and which shall be called "The Record of Unpaid Assessments," and therein shall designate, by streets and sewer districts, and in appropriate spaces ruled therefor and by a map of each sewer district prefixed to each assessment for such sewer, the property assessed by reference to the map aforesaid or by the description authorized by the third section of the supplement to the city charter, approved March fifteenth, eighteen hundred and sixty-six, the name of the owner assessed, the amount of the assessment, when the same was payable and whether the whole or any part thereof has been paid by bond or otherwise, and the date of such payment; and shall also contain appropriate spaces for the other entries herein required to be made; said book, when completed, shall be deposited in

the office of the city treasurer, and remain under his charge, supervision and control, and immediately after any certificate of assessment being delivered to him, he shall enter in their appropriate spaces in said book the names of the owners of the property, the description thereof as above specified, the amount of the assessment, the date thereof and when the same is payable; he shall also enter in such book any payment by bond or otherwise, with date and amount thereof, and when by bond the date thereof, and when the same falls due, and also the date and amount of any payments on account of the principal and interest thereof; and on any sale of such real estate for the non-payment of such assessment, enter the date of sale, amount of assessment, interest and costs, and the time for which sold, and on the redemption thereof, the date of such redemption and the name and interest of the person redeeming.

Maps furnished by surveyor.

15. *And be it enacted*, That the city surveyor shall furnish, with each report of assessment for improvements, a map of the property assessed, to be by the city treasurer prefixed in said record of unpaid assessments, to the entry of such assessment.

Record indexed.

16. *And be it enacted*, That the record of unpaid assessments shall be indexed with the names of the owners alphabetically arranged, the date of assessment and reference to the page of such record whereon such assessment is entered.

Certificates of search.

17. *And be it enacted*, That it shall be the duty of the receiver of taxes and the city treasurer, respectively, on the payment of the fees hereby authorized, to give to the person requiring the same a certificate of search of the said record so in his charge, as to the liability of any real estate for unpaid taxes or assessments as shown by such record; and such certificate in the hands of a bona fide purchaser or mortgagee of such real estate, shall, unless a mistake has occurred in the name of the owner, or from a misdescription of the property, relieve and discharge the said real estate from any tax or assessment, except such as are herein respectively stated to be unpaid; *provided*, that each receiver of taxes and city treasurer shall be responsible to the said city for any loss occasioned by any false or erroneous entry or certificate made or given by him; they shall each receive the sum of five cents for each piece of property entered as assessed said record, to be added to and collected as a part of the costs of said assessment, and they may respectively

Proviso.

demand and receive the sum of fifty cents for each search and certificate thereof.

Interest on assessments.

18. *And be it enacted*, That all assessments for improvements shall bear interest from the time when the city council shall ascertain and declare the whole amount of the costs, damages and expenses of such improvement.

Vacancies, how filled.

19. *And be it enacted*, That whenever commissioners appointed to make any assessment for the costs, damages or expenses of any improvement in said city shall neglect or refuse, for the space of sixty days after their appointment, or an assessment referred back to them, to make their report to the city council, the said city council may declare the appointment of either or all of said commissioners vacated, and proceed to fill the vacancies so created.

Proceedings between borrower and lender.

20. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes, which may be assessed upon the money so lent or to be loaned and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken, in any court of this state, to be usurious or invalidated by reason of any contract or agreement, anything in any existing law of this state to the contrary notwithstanding.

Mortgages.

21. *And be it enacted*, That in case any real estate in said city shall be subject to a mortgage held by corporations whose funds, investments and securities are by law exempt from tax, the said real estate shall be assessed at its full valuation, without any deduction for said mortgage.

As to arrears of taxes assessed before passage of this act.

22. *And be it enacted*, That all proceedings in regard to the collection of the arrears of taxes already assessed shall be continued to their completion, as if this act had not been passed; the receiver of taxes is hereby authorized to appoint from time to time, with the consent and sanction of the finance committee of the city council, such number of deputies, not exceeding one for each ward, as may be necessary to execute the said warrants and perform such duties as may be devolved upon them by the said receiver and committee, and the said deputies when so appointed, are hereby invested with full power to perform the said duties; they shall be

liable to removal from office by the said receiver and committee at any time, and before they enter upon the execution of the duties of their office, shall take and subscribe the oaths of office prescribed in the twenty-fourth section of the act incorporating said city, and shall give bonds to the city of Elizabeth for the faithful performance of their duties, in such sum as may be directed by the said finance committee; they shall make returns and payments, and render their accounts to the said receiver at such times and in such manner as may be prescribed by the said receiver and committee, and shall receive as compensation for their services the fees now allowed by law to be collected and received by the receiver of taxes, as prescribed in section ninety-two of the city charter; the said receiver shall not be liable for any default of the said deputies.

Duties of receiver of taxes

23. *And be it enacted*, That it shall be the duty of the receiver of taxes to keep open his office at the city hall every day, except Sundays and such holidays as shall be observed by the general custom of the city or the recommendation of public authority from nine o'clock, a. m., to four o'clock, p. m., between the first day of July and the first day of January, and two days in each week, to be specified by him, during the balance of the year.

Publish abstract of treasurer's report.

24. *And be it enacted*, That hereafter it shall only be necessary to publish an abstract of the treasurer's report, stating the amount of expenditures from each appropriation.

Moneys to be credited to appropriations.

25. *And be it enacted*, That the moneys raised by tax shall be credited by the treasurer to the several appropriations contained in the ordinance authorizing said tax, and shall be paid out for the specified purpose to which the same are appropriated and for no other, and no warrant shall be issued unless there is a sufficient balance to pay the same remaining to the credit of the appropriation against which said warrant would be chargeable.

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

Approved April 2, 1869.

CHAPTER DXXIV.

An Act to incorporate the Paterson Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Reynolds, John N. Terhune, Edward C. May, John Hopper, Jonathan S. Christie, Robert Hamil, Henry B. Crosby, William W. Fairbanks, Patrick Curran, Josiah P. Huntoon, William Gledhill, Andrew Derrom, John Swinburne, John J. Brown and E. Theo. Bell, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "The Paterson Savings Institution," to be located in the city of Paterson. Corporators. Name.

2. *And be it enacted*, That for the better security of depositors, there shall be a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the city of Paterson as they may appoint, giving at least ten days notice in the newspapers published in said city; and as soon as the whole of said stock is subscribed and ten per centum of the same is paid to the said corporators, they shall organize as managers of said savings institution and elect, by ballot, one of their number, duly qualified to be president, and the board of managers thus organized shall elect and appoint all other officers as may to them appear necessary for conducting the business of the corporation, which officers, so chosen and appointed, shall be under oath and give security for the faithful performance of the duties of their respective offices. Amount of capital stock.

3. *And be it enacted*, That the affairs of said institution shall be conducted by not less than nine managers, one of whom shall be president; the annual election for managers shall be held on the second Monday in January in each year; every share-holder shall be entitled to one vote for each share of stock held, and the managers so elected shall hold their places for one year and until their successors are elected and qualified; vacancies may be filled by the managers at any regular meeting; every manager shall, during his whole term of service, be a resident of the city of Paterson, and shall Election of managers.

own, in his own right, at least five shares of the capital stock of the institution, which shall be deemed personal property, and transferable in such manner as the by-laws may prescribe; and each share-holder shall be individually responsible, equally and ratably, and not one for another for all debts and engagements of the institution to the extent of amount of his stock therein, at the par value thereof, in addition to the amount invested in such shares.

May make by-laws.

4. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of the state or of the United States.

Proviso.

May receive deposits.

5. *And be it enacted*, That the corporation may receive on deposit all sums of money which may be offered therefor, in such amounts and at such times, and upon such terms as the by-laws shall prescribe, which money shall be invested in the manner hereinafter directed, and be repaid to the depositors or their legal representatives at such times, and with such interest, and under such regulations as the board of managers may from time to time order; and the said corporation may accept and execute all such trusts, of every kind, as may be committed to them by any person or persons whosoever, by will or otherwise, or be transferred to them by order of any court.

Investment of moneys.

6. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds than such as are created and issued by the United States, [or by the several States] of the Union or by the several counties and cities in this state under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security shall not any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

7. *And be it enacted*, That it shall be the duty of the

board of managers to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional part of five dollars, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

May regulate rate of interest

Proviso.

Proviso.

8. *And be it enacted*, That it shall be lawful for the said corporation at their discretion, to pay to any depositor being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf; and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Minors may make deposits and receive moneys.

Proviso.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same together with the interest or dividends which may accrue thereon, as the sole and separate property of such female, as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and interest and dividends, or any part thereof, upon her check, order, receipt or demand without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

Deposits made by females.

10. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate or personal property required for its use, or which it may buy upon sales for the foreclosure of mortgages, or for the satis-

May purchase and hold real estate.

faction of judgments to which the said corporation is a party or in which it is interested; and the said corporation may sell, lease, or otherwise dispose of, the said real estate or personal property, or any part thereof, at their will and pleasure; *provided*, that no purchase or sale of real estate shall be made without the consent of a majority of all the managers.

Proviso.

Annual statement.

11. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of said corporation.

Certificates of deposit binding.

12. *And be it enacted*, That all certificates or evidence of deposit, made under the hand of the proper officers of the institution shall be as binding as if the same were made under their common seal.

Deposits may be refused on notice.

13. *And be it enacted*, That the managers shall be at liberty at any time to refuse deposits, and, on giving one month's notice, to return such as have been made, with interest thereon to date of payment.

Duplicate of account to be furnished depositor.

14. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation; and every person depositing money, shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Dividends.

15. *And be it enacted*, That the managers shall not, at any time, withdraw or permit to be withdrawn in the form of dividends or otherwise, any portion of the capital; and if losses shall at any time have been sustained equal to or exceeding the profits on hand, no dividend shall be declared until said deficiency is made good.

State tax.

16. *And be it enacted*, That in lieu of all state, county and municipal taxation, there shall be levied and collected, and paid to the state annually, a tax of one per cent. on the paid up capital of said saving institution.

Place of business, &c.

17. *And be it enacted*, That the office or place of business of the said corporation shall be in the city of Paterson; and that the books of the said corporation shall be at all times open to such person or persons as the legislature may from time to time delegate for inspection and examination.

Misnomer not to vitiate any deed, &c.

18. *And be it enacted*, That this act is hereby declared to be a public act; and that the same shall be construed in all courts favorable and benignly for every beneficial purpose

therein intended; and that no misnomer of the said corporation, in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *provided, also*, the legislature may at any time hereafter amend, alter or repeal this act. Proviso.

19. *And be it enacted*, That this corporation shall continue in force twenty years, unless sooner repealed by the legislature; and that this act shall take effect immediately. Limitation.

Approved April 2, 1869.

CHAPTER DXXV.

An Act to incorporate the Bricksburg Fruit Preserving and Manufacturing Company in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George P. Smith, Frederick H. Jones, Benjamin H. Dix, Albert T. Larrakee and Robert Campbell, of the county of Ocean, and such other persons as may be associated with them, shall be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Bricksburg Fruit Preserving and Manufacturing Company," for the purpose of preparing sealed fruits, vegetables, meats and sauces, and to make sale of the same, manufacturing the cans and whatever else may be necessary to carry on said business, and by that name shall have continued succession and shall be capable of purchasing, holding, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of fifty dollars each, each stockholder being entitled in person or by Amount of capital stock.

proxy to as many votes as he or she holds shares of stock, which shares shall be deemed personal property and transferable in such manner as the company by its by-laws may direct; that ten dollars shall be paid on each share of stock at the time of subscribing, and further paid in at such time and in such installments as the directors may from time to time appoint and direct; *provided*, that such installments shall not be called for at a shorter period than twenty days from each other.

Proviso.

Election of directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of five directors, stockholders in said company, who shall be chosen annually, at such time and place in the county of Ocean, in such manner and upon such notice as the laws of such company shall direct, who shall serve for one year and until others are chosen in their stead, and that George P. Smith, Frederick H. Jones, Albert T. Larrakee, Benjamin H. Dix and Robert Campbell shall be the first directors of this company under this charter, to continue in office until others are elected in their stead; and that the directors of said company shall choose one of their number to be president, and may appoint such other officers, agents and servants as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for or declare the stock forfeited and all previous payments made thereon, to and for the use of said corporation, in case of non-payment of installments when duly called for, if they deem it expedient.

Books of account to be kept.

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

How dissolved

5. *And be it enacted*, That the said company may be dissolved at any time at a general meeting of the stockholders specially called for that purpose; *provided*, that members owning at least two-thirds in value of the stock of said com-

Proviso.

pany shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

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

Approved April 2, 1869.

CHAPTER DXXVI.

A Supplement to an act entitled "An Act to incorporate the Hudson County Hospital of Hudson County," approved March twelfth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of regents of the Hudson County Hospital shall be twenty, instead of ten, as now provided by the act to which this is a supplement, and such additional regents shall be appointed by the present regents of said corporation. Additional regents to be appointed.

2. *And be it enacted*, That the board of regents of the said corporation may by its by-laws, fix the quorum of said board that shall be authorized to transact any of the business of the said corporation. Quorum.

3. *And be it enacted*, That the ten additional regents provided by this act shall be apportioned by lot among the five sections of said board as at present constituted, and as their term expire, they shall be replaced in the manner provided by the act to which this is a supplement. Additional regents, how apportioned.

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

Approved April 2, 1869.

CHAPTER DXXVII.

An Act to authorize the building of a bridge over Nacot Creek.

Draw bridge to be constructed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Atlantic, whenever they shall deem it expedient, to build and construct or cause to be built and constructed a bridge across Nacot creek, in the township of Galloway, in the county of Atlantic, at or near Johnson's Landing, and terminating on the opposite side of said creek at Chestnut Neck; and there shall be in said bridge over the deepest part of the channel of said creek a draw or swing of at least thirty-five feet in width, of such construction as to impede as little as possible the navigation of the said creek.

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

Approved April 2, 1869.

CHAPTER DXXVIII.

An Act to incorporate the First German Benevolent Society of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Bergmann, Henry Malliet, Henry Rickerich, Frederick Lenoir, Adolph Vogel and George Crummenauer, and those associated with them, and their successors, shall be and they are hereby constituted a

Name.

body corporate, under the name, style and title of "The First German Benevolent Society of Jersey City," with all

the powers and privileges which now do or hereafter may belong to bodies corporate as such under the laws of this state.

2. *And be it enacted*, That the objects of the said society shall be to assist its sick, disabled or needy members or their families, and to aid in defraying the funeral expenses rendered necessary by the death of any member or any person in the family of a member. Object.

3. *And be it enacted*, That for the accomplishment of these objects or any of them the said society shall have power to receive by gift, grant, devise or bequest, and to hold any real or personal estate, not exceeding fifteen thousand dollars in value, and the same to loan, let, sell, exchange or convey in such manner as the said society may deem best, not contrary to the constitution and laws of the United States or of this state. May hold real estate.

4. *And be it enacted*, That the said society may adopt a constitution, by-laws and resolutions providing for the election, duties and tenure of office of such officers as it may require, and for the management of its affairs, and may add to, alter and repeal the same at its pleasure in accordance with law. May alter and repeal by-laws

5. *And be it enacted*, That the said company may provide for the collection of fees, dues, assessments and fines from its members, to carry out the objects hereinbefore stated and for the suspension or expulsion of its members for non-compliance with its proper requirements. Collection of fees, fines, &c.

6. *And be it enacted*, That the meetings of said society shall be held in the county of Hudson, at such times and places as the society shall direct; *provided*, that the first meeting thereof shall convene when and where a majority of the incorporators named in the first section of this act shall designate by notice signed by them, which notice shall be published for at least one week in one of the newspapers printed in Hudson county. Place of meeting. Proviso.

7. *And be it enacted*, That the property of the said society shall be exempt from any tax imposed by or under the laws of this state. Property exempt from tax.

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

Approved April 2, 1869.

CHAPTER DXXIX.

A Supplement to "An Act to enable meadow owners on Salem Creek to cut a canal, and to incorporate the Salem Creek Consolidated Meadow Company," approved April second, eighteen hundred and sixty-eight.

Preamble. WHEREAS, it appears in the above recited act that the word "Dennis Canal" is several times inserted throughout the said law, and as there is no such canal, to prevent misunderstanding and difficulty hereafter;

"Denns Canal." 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the words "Dennis Canal" shall be found in said act, they shall hereafter mean and read "Denns Canal."

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, so far as they are inconsistent herewith.

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

Approved April 2, 1869.

CHAPTER DXXX.

An Act to incorporate the Cape May Co-operative Association.

Corporators 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard C. Souder, George W. Smith, John C. Little, Isaac Whilldin and John W. Lycett, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Cape May Co-operative Association," for the purpose of carrying on the trade or trades of general and retail dealers, pro-

Name and object.

ducers and manufacturers, in order to enable its members to purchase food, fuel, clothing and other necessaries on the most favorable terms, and for that purpose may hold such real estate as may be needful to carry on said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the company shall be three thousand dollars with the privilege of extending the same to twenty thousand dollars, divided into shares of ten dollars each.

Election of directors.

3. *And be it enacted*, That the business of the said company shall be carried on in the city of Cape May, and managed by not less than five nor more than ten directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to as many votes, either in person or by proxy, as he has shares.

First managers.

4. *And be it enacted*, That the persons herein named shall be the first board of managers of said association, and shall hold their offices until the third Wednesday of January next, or until others are legally chosen and elected.

May make by-laws.

5. *And be it enacted*, That the stockholders of said company shall have power to make by-laws for its government, not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require.

Dividends.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal property and shall be transferred in such manner as the by-laws may prescribe, but no dividends shall at any time be made to the stockholders except from the net profits of the company.

Books of account to be kept.

7. *And be it enacted*, That the regular books of account shall be kept in the office of said company, in the city of Cape May, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection.

General powers.

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

applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved April 2, 1869.

CHAPTER DXXXI.

An Act to incorporate the Elizabeth Port Steam Cordage Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elisha M. Falton, Henry L. Bollman, junior, Daniel B. Whitlock, and such other persons as may hereafter be associated with them, their successors and assigns be and they are hereby constituted a body politic and corporate, by the name of "The Elizabeth Port Steam Cordage Company," for the purpose of manufacturing hemp, flax, manilla, cordage, twine, and standing and running rigging, oakum and other like materials and articles, and carrying on the business incident to such manufacture in the city of Elizabeth, in the county of Union; and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, hold, purchase, possess and enjoy lands, tenements, hereditaments, goods, chattels, property and effects of any kind, and the same to grant, demise, alien, mortgage and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulation as shall seem necessary and expedient for the government of said corporation, and put the same in execution; *provided*, that the funds of the said corporation shall not be used in banking operations; and that the said Elisha M. Falton, Henry L. Bollman, junior, Daniel B. Whitlock and others, or a majority

Name and objects.

Proviso.

of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and said shares of stock shall be deemed personal property and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company, with the privilege to increase the same to three hundred thousand dollars, and so soon as fifteen hundred shares of said stock shall be subscribed for and paid in, it shall be lawful for said corporation to commence the business of said company.

Election of directors.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three nor more than seven in number, as said by-laws shall from time to time establish, of whom a majority shall be residents of this state, that said board shall organize by appointing one of their number president and a suitable person secretary, and may afterwards appoint such officers and agents as they may deem necessary, and may remove the same at their pleasure, and may by their by-laws fix their duties and compensation; and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office one year and until others are elected in their stead; and that the directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all transactions of said corporation, which books shall at all times during business hours be open to the inspection of any stockholders of said company or his legal attorney or attorneys.

Powers of the directors.

4. *And be it enacted*, That the directors of said company shall be chosen annually by ballot from among and by the stockholders, at such time and place, and on such notice as said by-laws may appoint, and that each share of stock shall be entitled to one vote; which may be given by the stockholders in person or by proxy; and if at any time for any cause it shall happen that no election shall be held or made at the time appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, that a majority of the directors from time to time shall form a board for transacting the business of the company; and

that any vacancy in the board hereby appointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or a majority of the same; and that in any elections of directors the persons having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

How dissolved

5. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving at least thirty days' notice of such meeting in a newspaper published in the county where said business is carried on, at least once a week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein, and vote in favor of such dissolution; and upon such dissolution, the directors for the time being, or the survivors or survivor of them, or such other person or persons as the board shall appoint for that purpose, shall be trustees or trustee for settling the affairs of the company, and paying its debts, and dividing the surplus among the stockholders according to their respective interests therein.

Proviso.

Act may be repealed.

6. *And be it enacted*, That it shall and may be lawful for the legislature of the state at any time hereafter to alter, modify or repeal this act whenever the public good or the interest of said company may require.

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

Approved April 2, 1869.

CHAPTER DXXXII.

An Act to incorporate the St. Patrick's Temperance Benevolent Society of the City of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Agnew, Christopher McKernan, John J. Warren, John Reid, James Sheppard,

Lawrence McManus, and Patrick Nash, and such other persons as are now, or may hereafter be associated with them by becoming members, and their successors, are hereby created a body corporate and politic, in fact and in name, by the name of "The St. Patrick's Temperance Benevolent Society of the city of Paterson," and by that name they and their successors shall and may at all times hereafter be capable in law of suing and being sued, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised, bequeathed or given by any person or persons, body politic or corporate, capable of making the same; *provided always*, that the said corporation or body politic, hereby created, shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of five thousand dollars a year. Name. Powers. Proviso.

2. *And be it enacted*, That the persons named in the first section of this act as incorporators, or a majority thereof, shall after ten day's notice thereof, inserted in one of the newspapers printed and published in the city of Paterson, proceed to hold an election for a board of not less than five nor more than ten directors of said society, which board shall be composed of members of the society, and all persons who are now members of the said society, or who may become members thereof before such election shall be entitled to vote at such election for said directors; and a majority of all votes cast shall be necessary for a choice of each of such directors. Directors, how elected.

3. *And be it enacted*, That the said board of directors so elected shall, immediately after said election, proceed to elect a president, vice president, secretary and treasurer from among their number, and the said board of directors shall hold their office for the term of one year after such election, and until others are duly elected in their stead. Election of officers.

4. *And be it enacted*, That hereafter, the annual election of the board of directors shall be held on the third Wednesday in March in each and every year, of which election due notice shall be given as to time and place, as is required in the second section of this act, and members in good standing in said society shall be entitled to vote at such elections. Time of holding annual election.

5. *And be it enacted*, That the objects of this society shall be to provide for the temporal welfare of the members thereof, by affording relief in case of accident or sickness, assisting in the expenses of the burial of deceased members, the encouragement of all persons to abstain from the use of alcoholic Objects.

drinks, and for any benevolent and charitable purpose appertaining to said society.

General powers.

6. *And be it enacted*, That the said society shall have power to make such by-laws, rules and regulations for the control and management of said society as shall be necessary and proper, and not inconsistent with the laws of this state or of the United States.

Vacancies, how filled.

7. *And be it enacted*, That any vacancy occurring in said board of directors shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead.

Act not to interfere with society as organized.

8. *And be it enacted*, That nothing in this act contained shall in any way interfere with the said society as it now exists, and until the same may be organized in accordance with the provisions of this act.

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

Approved April 2, 1869.

CHAPTER DXXXIII.

An Act to incorporate the Passaic Horse Car Railway Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Speer, Richard A. Terhune, Henry P. Simmons, Aaron Kinter, William S. Anderson and James B. Randol, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Passaic Horse Car Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

Name.

Amount of capital stock.

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

privilege of increasing the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

Election of directors.

3. *And be it enacted*, That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places as they deem proper, and at the time of subscribing for said stock such per centage shall be paid upon the amount subscribed for, to the said commissioners, or some one of them, as the said commissioners may think proper, and as soon as the sum of twenty-five thousand dollars of the capital stock is subscribed for, such commissioners shall call a meeting of the stockholders to choose six directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissionees or such of them as they may appoint shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act; and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide; and the concurrent vote of two-thirds of the whole number of directors authorized by this act, shall in all cases be required in the transaction of the business of the board.

Failure to elect not to dissolve.

4. *And be it enacted*, That the directors of the said corporation shall be six, who shall be chosen annually on such day as the board shall prescribe, and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in one or more newspapers published in the county of Passaic, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Payment of installments.

5. *And be it enacted*, That a two-thirds majority of the directors of said company shall constitute a quorum, and shall have power to call in the stock of said company, by such installments and at such times as they may direct, by giving two weeks' previous notice in two newspapers published in the county of Passaic; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of said instalments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

Proviso.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That the president and directors of the said company be and they hereby are authorized and empowered to survey, lay out and construct a railway, with such turnouts and switches as the said company may deem necessary, from some suitable point at or near the Passaic station of the Erie railway in the village of Passaic, in the county of Passaic, to the town of Belleville, in the county of Essex, to or near any railroad station in said town, with a branch or branches from any part herein authorized, to any station on the Paterson and Newark railroad at or near Franklin, and a branch to or near the village of Lodi, in the county of Bergen; said railway and the branches and switches aforesaid

to be constructed from time to time, and in such portions or sections as the said corporation shall deem expedient, and to locate and construct said railway and branches, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and the said company are invested with all the powers necessary or convenient to survey, locate, lay out, construct and maintain said railway; *provided*, that said railway, or the branches thereof, shall not be constructed through any street in the said village of Passaic, without the consent of the board of council of said village; and it shall be lawful for said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railway, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route or routes and location of said railway shall have been determined upon, and a survey thereof, by section or otherwise, deposited in the clerk's office of the county in which the same lies, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railway, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for, with full right, power and authority to connect and contract with any other railroad corporation; *provided however*, that if the said railway shall be located on any public street or highway, except for the purpose of crossing the same, in any township in the county of Essex, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committee of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex; and if the said railway shall be located on any public street or highway, except for the purpose of crossing the same, in any township of the county of Bergen, or of the county of Passaic, outside of the village of Passaic, through which the

Proviso.

Proviso.

said corporation may by this act be authorized to construct their road, they shall not lay any rails along such street or highway without obtaining consent, and filing such consent in the clerk's office of the county of Bergen, if within that county, or of Passaic, if within that county, and upon and with any such consent given and filed, the said railway and branches may be constructed upon said streets and highways, to and for which consent is given; and the said railway and and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway along which the said road may be located.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the required land is situated, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown, or out of this state, to make publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of the notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding) to meet

at the time and place appointed, and proceed to view and examine said lands; the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad to the owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages as shall be paid by the said company, which report shall be made in writing under the hands of said commissioners, or any two of them, and be filed within ten days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain on record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, the damages and costs assessed and adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings in case the company or owners are dissatisfied with report.

8. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the county within which said land is situated, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in the said county upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury

to assess the value of the said land and damages sustained, and if they find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgement thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the said county shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners, and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the railroad of any other company with the consent of such other company, and upon such terms and conditions as may be mutually agreed upon.

Proviso.

Rates of transportation, &c.

9. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think reasonably expedient or right, but that no steam power shall be used on said railway, or any part thereof, and they are hereby authorized to

demand and receive such or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors; and the said railroad and its appendages and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company after the said road is completed, shall abandon the same, or cease to use and keep in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled, and the title to the lands over which the said railroad is located shall be revested in the person or persons who would have been legally entitled thereto if this said road had not been located, but the superstructure of the said railroad and the materials of which the same are composed shall in such case be deemed and taken to be the personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of said company. Proviso.

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

11. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding three acres in each place, and may erect and build thereon depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams canals or water courses as the road may cross, such piers, bridges and other facilities as May purchase and hold real estate.

they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Penalty for injuring road or works.

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

When cars may be run.

13. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

May borrow money and secure the same by mortgage.

14. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof, by bond and mortgage or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

Time for commencement and completion.

15. *And be it enacted*, That if the said railway be not commenced in three years, and completed and in use within eight years from the fourth day of July next, then, and in that case, this act shall be inoperative as to so much thereof as shall not be completed at the time last aforesaid.

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

Approved April 2, 1869.

CHAPTER DXXXIV.

An Act to incorporate the Ocean County Oyster and Stock Raising Company.

Preamble. WHEREAS, certain persons citizens of this state have associated themselves under the name of "The Ocean County Oyster Company," for the purpose of planting and growing oysters and raising and fatting cattle, and for that purpose have purchased and now hold about twelve hundred acres of meadow lands in the county of Ocean, in this state, adjoining Barnegat Bay, in which meadow are numerous creeks, coves and ponds, suitable for the growing of oysters; and whereas, the said company has not been legally organized, and for the better carrying out the objects of said company, said persons desire an act of incorporation; now, therefore,

Corporators 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Allen Neill, William S. Truex, Benjamin C. White, Christopher Doughty, Timothy Taylor Heiss, Lewis Neill, George M. Joy, Isaac P. Peckwith, James Bodine, Isaiah B. Cranmer, Daniel R. Worden, and their associates, known as "The Ocean County Oyster Company," Name. and their succesors, and all other persons who shall become stockholders in the corporation hereby created, and their successors and assigns be, and they are hereby made and constituted a body politic and corporate in law, by the name of "The Ocean County Oyster and Stock Raising Company," for the purpose of planting and growing oysters and raising and fatting cattle, and for the transaction of such business as may be necessarily connected therewith.

May purchase and hold oyster grounds. 2. *And be it enacted*, That the said corporation may purchase and hold, use, occupy and enjoy such salt marsh meadow and oyster ground in the county of Ocean as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage or otherwise dispose of the same at pleasure, and may sue and be sued, in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their government as they may see proper; *provided*, the

same are not inconsistent with the constitution and laws of this state or of the United States; *and also provided*, that the real estate held by this corporation shall not exceed two thousand acres.

May hold real and personal estate.

3. *And be it enacted*, That the said corporation may purchase, hold, use and enjoy such personal property as may be necessary to carry on their business, and may erect such buildings on their lands and may improve said lands for the use of the said corporation for the purpose of the business hereinbefore specified as they may deem necessary.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be thirty thousand dollars, divided into shares of one hundred dollars each, and the stock already subscribed and paid for shall be deemed and taken as part of said capital stock of thirty thousand dollars; and that the shares of said company's stock shall be deemed personal property, and shall be transferable in such manner as the said corporation shall direct, under the provisions of the by-laws thereof; and each stockholder shall have one vote for each share held by him.

Present owners of meadow land entitled to stock.

5. *And be it enacted*, That the present owners of the meadow land which has been purchased heretofore by the persons associated by the name of "The Ocean County Oyster Company," referred to in the preamble hereto, upon a conveyance of said meadow land to this corporation, shall be entitled to stock therein in proportion to the value of their respective interests in said real estate, to be ascertained by this corporation, conveyance made by the present directors of the said "The Ocean County Oyster Company," and signed and executed by said directors, or a majority of them, to this corporation, shall be deemed and taken in all courts as a good and sufficient conveyance of said real estate.

General powers.

6. *And be it enacted*, That the said company shall have power to plant oysters in the creeks, coves, and ponds and all waters within or adjoining the meadows of said company; *provided*, they do not interfere with any well-known beds of natural oysters therein, if any such there be.

Directors, and how elected.

7. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than seven nor more than eleven directors, one of whom the said directors shall appoint their president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places, said

directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place in the county of Ocean as the by-laws of the said corporation shall direct, and until such annual election shall take place, the persons named in the first section of this act being stockholders shall be directors of said corporation, a majority of the directors shall on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case any vacancy shall occur in the board of directors by death, resignation, or failure of the stockholders to elect the full number, the remaining directors for the time being, or a majority of them shall have power to fill such vacancy by the appointment of any stockholder to hold office until the next election.

Not dissolved for failure to elect directors

8. *And be it enacted*, That in case it shall happen that an election of directors shall not be had upon the day appointed for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold on any other day an election for directors, two weeks notice being given in a newspaper published at Toms river, in the county of Ocean, of the time and place of such election.

First election.

9. *And be it enacted*, That the first election for directors shall be held by the stockholders of this corporation on the first Monday of April, anno domini eighteen hundred and seventy, at the hotel of Cowdrick and Cook, at Toms river, in said county of Ocean, between the hours of ten a. m. and five p. m. of that day, of which election two weeks notice shall be given by publication in said newspaper.

Annual statement.

10. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

11. *And be it enacted*, That the office of said corporation shall be in the county of Ocean, and that at said office regular books of account shall be kept, to which books any stockholder may have free access at all reasonable times, for the purpose of inspection.

12. *And be it enacted*, That the said corporation may,

from time to time, hereafter increase the said capital to any sum not exceeding fifty thousand dollars, giving two weeks notice of their intention to do so in said newspaper.

How dissolved

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

Privileges and liabilities.

14. *And be it enacted*, That this corporation shall possess the general powers and be subject to the restrictions set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved April 2, 1869.

CHAPTER DXXXV.

An Act to authorize the Trustees of Cranford New School District, Number Nine, to borrow money and issue bonds to build a School House.

Preamble.

WHEREAS, at a meeting of the legal voters of Cranford New School District, Number Nine, of the townships of Westfield and Union, in the county of Union, held at the school house in said district on the third day of March, eighteen hundred and sixty-nine, pursuant to the notice of the trustees of the said district required by law, it was by an unanimous vote agreed to build a suitable school house at a cost of about seven thousand dollars, and also to purchase

a lot on which to build the same, and to apply to the legislature for authority to borrow a sufficient sum therefor and to issue bonds of said district for the payment thereof; therefore

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Cranford New School District, Number Nine, in the townships of Westfield and Union, in the county of Union and state of New Jersey, and their successors be and they are hereby authorized to borrow any sum of money, not greater than ten thousand dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon within said district and furnishing the same.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of the said loan, said trustees and their successors may issue bonds in their corporate name to the lenders of said moneys in amounts not less than one hundred dollars each, payable at the expiration of ten years from their date, with lawful interest payable half yearly; which bonds shall be registered in a book to be kept by said trustees for that purpose, and shall be assignable in law and shall be a first lien against said lot and school house when purchased and built.

May provide for payment by taxation.

3. *And be it enacted*, That it shall be the duty of the legal voters of said school district at their annual district meetings hereafter to assess such a special tax upon the inhabitants of said school district and their estates in addition to all other sums raised at such meetings sa required by law, as will be sufficient to pay the annual interest accruing on said bonds and one thousand dollars yearly of the principal, to provide a fund for their ultimate redemption when due; which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by them, and paid over by them immediately to the said trustees or their successors, and appropriated first so far as required to the payment of said interest semi-annually as it falls due, and secondly as to the balance thereof to be invested by the said trustee in the loans of the state of New Jersey, the county of Union, the United States, or bonds and mortgages of real estate in New Jersey, in the corporate name of the said school trustees and their successors, to be held by them in trust as a sinking fund, to be applied to the redemption of said bonds when due or as the

holders thereof may be willing to receive the principal thereof prior to maturity.

Sale of bonds.

4. *And be it enacted*, That it shall be lawful for the said trustees and their successors to sell and dispose of the said bonds for a sum not less than ninety cents on the dollar, and that the same shall be exempt from all taxes levied by the said townships of Westfield and Union.

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

Approved April 2, 1869.

CHAPTER DXXXVI.

A Supplement to "An Act to improve Bergen Wood Road in Hudson County," approved April ninth, eighteen hundred and sixty-eight.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is a supplemet, be and the same is hereby amended by striking out the words "without favor or impartiality," and inserting in lieu thereof the words "without favor and with impartiality."

Fences, &c., within road lines to be removed at cost of owner.

2. *And be it enacted*, That any fence or other obstacle found over and within the road lines of eighteen hundred and fifty-four, as then established, may be, in the discretion of the commission, at once removed, at the cost of the owner or owners thereof; and all fences, trees and hedges interfering with the new lines, shall be removed upon reasonable notice given by the surveyor to the owner or owners thereof, and in cases of neglect to remove, the commission may, after the expiration of twenty days from the time of notice given, direct a removal; expense of removals by commission named in this section, to be added to pending assessments due by particular line owners, thereby enhancing excesses over, or set-offs against any valuations of land assumed and taken for the public use in widening said road.

3. *And be it enacted*, That removals of the dead along the eastward edge of the Weehawken Grove Cemetery, to attain the new road line, shall be made upon notice of at least six weeks to owners of burial plots in person, where practicable, and where not so by advertisement in a newspaper published in the county of Hudson; and should the commission find it ultimately necessary to re-inter any unclaimed remains, then such removal and sepulture shall be conducted by and with the co-operation of the authorities having in charge the said cemetery. Removal of dead.

4. *And be it enacted*, That when said Bergen Wood road intersects with any other road, street or avenue, and by reason of the grading and regulating of said Bergen Wood road, any abrupt declivity may occur by reason of the differences of grades, the said commissioners may having first obtained the consent of the respective town council or township committee, regrade said intersecting roads, streets or avenues, or any of them, so as to conform their grades to that established for Bergen Wood road, and they shall have power to assess and collect the expenses thereof in the same manner as provided for in this act or the act to which this is a supplement. May regrade intersecting roads

5. *And be it enacted*, That upon the commissions determining the assessments to arise from all and every of the separate plots or parcels of lands in each of the sections on the line of said road, an advertisement of their readiness to review said assessments at a particular time and place, shall be made by publication at least three weeks in one or more of the newspapers printed in the county; the commission to convene at the time and place therein named, and then and there to receive and consider any and all objections which may be presented in writing; whereupon, having adjusted and reviewed the assessments, the same shall constitute a lien upon the property so assessed in each section as aforesaid; and any line owner, having been assessed by name, who shall neglect to pay the amount assessed and so due from him within thirty days from the date of said review, then the commission shall proceed to enforce the lien, and the treasurer thereafter may lawfully collect in excess of the several delinquent assessments, interest thereon to be computed at and after the rate of twelve per centum per annum from the time of the review till each of the arrear assessments be paid. Assessments to be a lien on property.

6. *And be it enacted*, That for all moneys payable, as well for needful disbursements in and about the commission as for May issue improvement certificates.

contract work done, proper improvement certificates may be issued; and all such certificates issuing from the commission, under its seal and signatures, shall be accepted and paid in their numerical order, by the treasurer, who, for his services and assurances in receiving and disbursing the road fund, and in accounting for the same, shall be compensated in an amount not to exceed five mills per dollar on the total sum disbursed by him.

Repealer.

7. *And be it enacted*, That any act or part of an act conflicting herewith is hereby repealed, and this act shall be deemed a public act, and shall take effect immediately.

Approved April 2, 1869.

CHAPTER DXXXVII.

A Further Supplement to "An Act to simplify the pleadings and practice in courts of law," approved March seventeenth, eighteen hundred and fifty-five.

Notice when defendant does not reside in the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in lieu of the notice required by the forty-second section of the act to which this is a supplement, in case the defendant or defendants do not reside in this state at the time of the application to the court for the issuing of execution, it shall be lawful for the court to make an order that such notice shall be published in a newspaper printed and circulating in any county where the said defendant or defendants may be possessed of real estate, or have any estate or interest therein, for the space of sixty days next preceding such application, at least once in every week during said time, and the cost of such publication shall be included in said execution, and collected thereby, and that a copy of such notice shall be served upon the defendant or defendants in such manner as the court in their discretion shall see fit, under all the circumstances of the case.

Approved April 2, 1869.

CHAPTER DXXXVIII.

An Act to incorporate the Paterson and Singac Horse and Steam Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Jackson, Edo Merselis, Henry Stanley, John C. Cruikshank, Francis Van Ness, Robert Matches, Charles Crane, Charles T. Van Winkle, Robert Beattie, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic in fact and in law, by the name of "The Paterson and Singac Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation, and such estate therein, whether real or personal, shall vest and continue in said corporation during the continuance of this charter.

Name.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions to capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, to receive subscriptions to the capital stock of said company, at such times and places as they or a majority of them shall think proper, giving at least two weeks' notice of the same in a newspaper published in the city of Paterson, and at the time of subscribing, ten per centum shall be paid upon each share subscribed for to the said commissioners or some one of them; and when twenty thousand dollars shall be subscribed, the commissioners, or a majority of them, shall call a meeting of the stockholders upon like notice as above, to choose five directors, a majority of whom shall be residents of this state; the election shall be held by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder to one

vote; and the above named corporators, or a majority of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver to them the subscription books and money paid in after deducting expenses and a reasonable compensation for their services; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this state, and the time and place of holding the first meeting of said directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state, and in the case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a majority of said directors and in the absence of the president a majority of said directors may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide, and if more stock shall be subscribed than the amount of said capital stock, the commissioners shall distribute such amount among such subscribers as they or a majority of them shall think proper.

Not dissolved for failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be held at the time when according to this act it should have been held, said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time on notice as aforesaid, and the officers and directors for the time being shall continue in office until others shall be elected in their stead.

Payment of installments.

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum, and be competent to transact all business, and they shall have power to call in the remainder of said capital stock by installments not to exceed twenty per centum on each share, by giving two weeks' previous notice in a newspaper published in the city of Paterson, but no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of such installments, they may forfeit the shares upon which such default shall arise.

6. *And be it enacted*, That the said directors shall have power to prescribe such rules and regulations touching the management of the stock, property, estate, effects and business of the said company, and to appoint such officers, agents and employees, and to fix such salaries or compensation for them as they shall deem expedient, and may determine whether the said road shall be operated by horse or steam power, or both. Powers and duties of the directors.

7. *And be it enacted*, That the said company be and are hereby authorized to enter on, survey, lay out, construct and operate a railway, with the necessary turnouts and switches, beginning at a point on Railroad avenue in the city of Paterson, at or near the line of the Erie railway; thence through Grand street to Singac toll-gate, in the township of Little Falls and county of Passaic; *provided*, that Grand street be opened through the rocks not less than seventy-five feet in width. May construct and make a railroad. Proviso.

8. *And be it enacted*, That said company be and are hereby empowered to locate and construct said railway and appurtenances, not exceeding one hundred feet in width, unless it be necessary for constructing slopes, embankments, turnouts, way depots, way stations or other way structures, and then not more more than one hundred feet in width, with as many sets of tracks or rails as may be deemed necessary; *provided*, that not more than one track shall be laid along Grand street, with necessary turnouts, and that said rail shall be a flat rail and shall be laid along the centre of said streets within the limits of the city of Paterson, and that said railroad shall be laid according to regular wagon width; *and provided further*, that the said railroad shall not be laid or constructed in any street in the city of Paterson, except with the consent and under and according to the directions of the mayor and aldermen of said city, to be made and given at a regular meeting of the said board of aldermen. Width of road. Proviso. Proviso.

9. *And be it enacted*, That it shall be lawful for said company, its officers, agents and employees, to enter at all times on lands and waters for the purpose of exploring, surveying and laying out the route of such railway, and locating the same or altering such location, doing no unnecessary damage to private or other property, and when the route and location of said railway shall have been determined, it shall be lawful for said company, its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate such May enter upon lands.

lands and premises, and to erect embankments, bridges, viaducts and all other necessary works and appliances thereon, and to lay rails and do all other things which may be suitable or necessary for the construction, maintenance and operation of said railway, and to carry into full effect the objects of this act, and the said company may take, use and appropriate any stone, gravel, sand, clay, earth or material on or near the route of said railway; *provided*, that payment shall first be made to the owners of, and parties interested in the lands and premises, or materials taken for the purposes of this act upon such terms as are hereinafter provided.

Proviso.

Proceedings when company and owners of land cannot agree.

10. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required lands, premises or materials, or with any party lawfully interested therein, for the use or purchase thereof, or if by reason of the legal incapacity or absence of any owner or party interested, no such agreement can be made, a particular description of the lands and premises so required for the use of said company in the construction and operation of said road, shall be given in writing, under the oath or affirmation of the engineer or proper agent of said company, and also the name or names of the occupants, if any there be, and of any owner or party interested and their residences, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where said lands, premises or materials are situated, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state to make publication thereof, as he shall direct for any time not less than fifteen days, and to assign a particular place and time for the appointment of commissioners as hereinafter provided, at which time and places, upon satisfactory evidence to him of the service or publication of such notice as aforesaid he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise said lands, and assess any damages sustained by any owner or person interested by reason of taking the same, upon such notice of not less than fifteen days, to be served personally or by publication as aforesaid, as shall be directed by the judge appointing such commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to

administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands and premises, and take into consideration all benefits to be derived from or in consequence of said railway to said owner or person interested, to make a just and equitable appraisement or estimate of the value of said lands so taken, and an assessment of any damages incurred, to be paid by said company; said report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county in which such lands and premises are situated, to remain of record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, or a copy thereof certified by the clerk of said county, damages and costs being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use and occupy, possess and enjoy said lands and premises; and either of the judges of the court of common pleas of the county in which said land, premises or materials are situated, shall, on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses to the judges, commissioners, clerks, or other person performing any of the duties prescribed by this section, as he shall deem equitable and just, and direct by whom the same shall be paid.

Proceedings on appeal.

11. *And be it enacted*, That in case said company, or any owner of or person interested in said lands and premises or materials shall be dissatisfied with the report made by the commissioners mentioned in the preceeding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or materials so required are situated, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid, and notice in writing of such appeal shall be served upon the opposite party within ten days after the filing of said petition, which proceeding shall vest in said court full right and power to direct a proper issue for the trial of said controversy, and to order a jury to be em-

panneled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said land, premises or materials and damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said parties, owners or person interested, then judgment thereon, with costs, shall be entered against said company, and execution awarded thereon; and if said appeal shall be applied for by the said owners or parties interested, and if the jury shall find the same sum that the commissioners awarded or the company offered, or a less sum than either, then the said costs shall be paid by the said applicants, and be deducted out of the said sum found by the said jury, or execution may be issued therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of commissioners, then the sum assessed by the jury, and such costs as the court shall direct shall be paid by the company to the owners of or parties interested in the land, premises or material in controversy, if they so require, or into the court of common pleas to the clerk thereof in the county in which such lands are situated, if any party refuse to accept the same, and any party entitled to receive the amount awarded by the commissioners, may apply for and receive the same without being thereby debarred from the appeal hereby provided.

Proceedings for obtaining right of way.

12. *And be it enacted*, That said company shall obtain from every owner of or parties interested in any land or premises not in controversy, consent in writing, and from every owner or a party interested in any land or premises in controversy, or where legal incapacity or absence of any unknown owner or party interested exist, authority to enter upon or acquire such lands or premises in the mode hereinbefore pointed out, before said company, its officers or employees, shall enter upon or break ground on any lands and premises, except to survey and lay out said railway, and when by reason of there being such legal incapacity or absence of such unknown owner or party interested, the compensation awarded in such instances by the commissioners, cannot be paid to such owner or party interested, the same shall be paid into the court of common pleas, to the clerk

thereof of the county in which said lands and premises or materials are situated, subject to the order of the court, to be invested as the court shall direct, during such disability, absence or unknown ownership or interest, and to be paid out to the party or parties interested upon any proper application thereof.

May purchase and hold real estate.

13. *And be it enacted*, That in accordance with the foregoing provisions, said company may also acquire, have, hold, possess and occupy such real estate and interest therein at or near the commencement or termination of said railway, and at such other important points along the line of the same as may be necessary for the construction, maintenance and operation of said railway, or for the convenient transaction of business, not exceeding two acres each, and may erect depots, warehouses and such other structures, and make such other improvements thereon as they may deem expedient for the safety of property belonging to themselves or consigned to their charge, or in their custody, and for the necessary uses appertaining to the business and operation of said railway.

Manner of constructing road and laying rails.

14. *And be it enacted*, That said railway may be constructed along any public road or highway within its route upon obtaining the consent, in writing, of the township committee, in which said route may extend, or a majority of them, and along the aforesaid streets hereinbefore mentioned, in the city of Paterson, and whenever said railway is located on or across any street or highway, the said company shall, as soon as may be, restore such street or highway to such state or condition as not to impair its usefulness, and such railway and the rails thereof shall be constructed and maintained in such manner, and the rails thereof of such size and pattern as to impair as little as practicable ordinary travel on such streets or highway, and when said railway intersects any farm or other lands said company shall provide and keep in repair suitable and convenient passages and wagon ways over or under the same; and should the railway intersect any other railroad, or any other railroad intersect this railroad, the company so intersecting shall cause such crossing to be made so as to do the least injury possible to each and keep the same in repair.

Topographical map and profile to be made and filed.

15. *And be it enacted*, That whenever said railway shall be finally located, said company shall cause a topographical map and profile of the same to be made, on a scale of not

less than ten inches to the mile, showing what lands are taken, which map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railway; said map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location of said road, and one such map, comprising the whole of said railway, shall, within a like period, be filed in the clerk's office of Passaic county.

Power to operate railroad.

16. *And be it enacted*, That the said company shall have power to construct or have constructed, or to purchase with the funds of said company, and place and use on said railway, or any part thereof, cars, engines, wagons, carriages or vehicles for their own use, or for the transportation of passengers or any species of property for hire to be operated by such motive power as they may deem expedient and proper; Proviso. *provided*, that within the limits of the city of Paterson it shall be operated by horse power only.

Rates of transportation, &c.

17. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property over their said railway as they from time to time shall think reasonable and expedient; Proviso. *provided*, they shall not charge more than five cents per mile, and fifteen cents per ton per mile, for transportation in the carriages of the company of heavy merchandise and produce usually weighed by the ton, and for dry goods, packages, light articles, coin or bullion and express freight at such reasonable rates as the company shall deem proper.

May make contracts.

18. *And be it enacted*, That it shall be lawful for the said persons named in the first section of this act, their associates, successors or assigns constituting said corporation at any time during a continuance of its charter, to make contracts and engagements with any other corporation or corporations or with individuals for the transportation or conveying passengers and freight and to enforce the fulfillment of such contracts; and also to demand and receive for the transportation of all passengers and freight by them carried or transported over the road of any other company, the same rates of fare and tolls as they may be entitled to demand and receive by virtue of this act for transportation and passage over their own road.

May issue bonds and secure the same by a mortgage

19. *And be it enacted*, That the said corporation be and are hereby authorized at any time during the continuance

of its charter to borrow such sum or sums of money, from time to time, and for such time as shall be necessary, to build, maintain, repair or operate said railway, or to furnish the said company with all the necessary rails, buildings, cars, vehicles, engines and animals, equipments, appendages and appliances for the uses and objects of said corporation, and to secure the payment thereof, by bond, mortgage, pledge, trust or conditional sale on or of said road, its lands, franchises, apparatus or apparel, property and appurtenances, evidence of debts, securities, and choses in action; but no such bond, mortgage, pledge, trust or conditional sale, shall be made at any rate of interest exceeding seven per centum per annum, nor shall the same be made or disposed of at any rate less than ninety per centum per annum of par value, without the consent by a two-third vote of the stockholders of said company; and any negotiation or transaction thereof, at any rate of interest, discount or deduction duly authorized and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Dividends.

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

President must file statement of cost of railroad.

21. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road, and after the said railroad or any part thereof shall be in operation, shall pay to the treasurer of this state a tax of one half of one per-cent. on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said

corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships, provided that no other tax or impost shall be levied or assessed upon said company.

Penalty for injury to works.

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

Proceedings if road or any part of it is abandoned.

23. *And be it enacted*, That from and after the fourth day of July, eighteen hundred and eighty, this act shall become void as to so much of said railway as shall not be then completed and in use, and in case the said company after the road is completed, shall abandon the same or any part thereof, or cease to keep it or such part thereof in repair for the period of one year, then and in that case the franchise granted to said company shall be annulled, and the title to the lands and premises over which said railway is located, shall revert to the person or persons who would have been legally entitled thereto if this said railway had not been located; *provided however*, that if such abandonment or failure to use or repair shall be caused by the acts of the state or general government of the United States, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption and one year thereafter, and in case of forfeiture the superstructure of said railway, its equipments, appliances and appendages shall be deemed and taken to be personal property of said company or their assigns, and shall be by them removed and disposed of within six months after such forfeiture, or in default thereof the same shall be forfeited and pass to the public authorities of the township or ward in which said railway is situated.

Proviso.

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

Approved April 2, 1869.

CHAPTER DXXXIX.

A Further Supplement to the act entitled "An Act for establishing a Turnpike Road from the town of Hackensack to Hoboken, in the county of Bergen."

May lease, surrender or convey turnpike.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of the Bergen Turnpike Company be and they are hereby authorized and empowered to lease or surrender, give, grant, bargain, sell and convey to any person or persons, or any other corporation in this state, all or any part of their turnpike road not already disposed of, and to lease, convey and transfer to any person or persons, or any corporation of this state, any or all of the rights, privileges, powers, grants and franchises which the said company have, hold, exercise, or are entitled to under and by virtue of their said act of incorporation, or of any supplement thereto, for any time not exceeding the continuance of their charter.

Repealer.

2. *And be it enacted*, That the fifth section of the act entitled "A further supplement to an act entitled 'An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen,'" approved March fifth, eighteen hundred and fifty-eight, be and the same is hereby repealed.

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

Approved April 2, 1869.

CHAPTER DXL.

A Further Supplement to the act entitled "An Act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, eighteen hundred and sixty-eight.

Penalty for cruelty to animals, and how recovered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall cruelly treat or torture any horse, mule, ox or other animals, whether belonging to himself or to another shall forfeit and pay such sum, not to exceed twenty dollars, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons in the name of the said "The New Jersey Society for the Prevention of Cruelty to Animals," before any court of competent jurisdiction in the county where the defenant resides, or where the offence or offences were committed, one half of said penalty to be by said court paid to the person or persons making complaint and prosecuting the action, and the residue thereof to be paid to the said society for the use thereof; that any justice of the peace in the county where any offence shall have been committed under this act is hereby authorized and directed, upon receiving sufficient proof by affidavit of the violations of the provisions of this section by any person or persons being temporarily within the jurisdiction of said justice's court, but not residing therein, or who is likely to evade judgment by removal therefrom, or any person whose name and residence are unknown, to issue his warrant and have such offender arrested and tried for such offence, or committed or held to bail to answer the charge against him; and in all prosecutions and proceedings under this act an affidavit of the violation thereof shall be a sufficient demand or pleading.

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

Approved April 2, 1869.

CHAPTER DXLI.

An Act to confirm and make permanent the vacation of Bridge avenue, lying west of the westerly line of Second street, in the city of Camden.

WHEREAS, by an ordinance of the city council of the city of Camden, in this state, passed on the first day of February, anno domini eighteen hundred and sixty-nine, all that part of the street called Bridge avenue which lies westwardly of Second street in said city was vacated; and whereas public safety and convenience require that all travel and crossing over and across the said vacated premises should be prohibited; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said ordinance so far as the vacation of said street is concerned be and the same is hereby confirmed, and that so much and such part of said street as is or was intended to be vacated by said ordinance be vacated as effectually to all intents and purposes as if the said street had never been established there. Confirmation of vacation of street.

Approved April 2, 1869.

CHAPTER DXLII.

An Act to authorize and enable the New York Co-operative Building Lot Association to hold land and real estate in this state.

WHEREAS, the New York Co-operative Building Lot Association, of which Edwin H. Millington is president, Francis W. Nuber is treasurer, and C. W. C. Dreher is secretary, incorporated in and under the laws of the state of New York, being a body corporate and known by the name of Preamble.

"The New York Co-operative Building Lot Association," for the purpose of buying lands for building homes thereon for the members of the association; and whereas, a portion of the members of the said association for their own convenience and preference do prefer to reside in the state of New Jersey, and to enable the association to accommodate such of its members as may so desire; now therefore,

Authority to purchase and convey real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin H. Millington, Francis W. Nuber and C. W. C. Dreher, who are now incorporated under the laws of the state of New York, and all such persons as may be now or hereafter associated with them, their successors, representatives and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The New York Co-operative Building Lot Association," and by that name may purchase and hold land and real estate in the state of New Jersey for the purpose of carrying on the business for which said association was incorporated, and may mortgage, lease or convey the same at pleasure.

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

Approved April 2, 1869.

CHAPTER DXLIII.

An Act to incorporate the Absecon and Bay Railroad.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Lord, Thomas C. McDowell, Isaac Rindge, Charles C. Wilson, Enoch A. Doughty, Jonathan Sooy, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and

Name.

corporate, in fact and in name, by the name of "The Absecon and Bay Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods

and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

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

Election of directors.

3. *And be it enacted*, That the above-named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places as they, or a majority of them, may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose not less than five directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of stock entitling the holder thereof to one vote; and the above-named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of said corporation provide.

Failure to elect not to dissolve.

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

rectors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payment of installments.

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

May survey and lay out road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from or near Absecon, connecting with the Camden and Atlantic Railroad in the county of Atlantic, to Leed's Point, or a practicable point in that vicinity, to Great Bay, in said county; *provided always*, that it shall be lawful for the said company to make and construct a railroad to some convenient point on the said Great Bay, to be determined by the said company, and not to exceed one hundred feet in width, except in such places where from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been

Proviso.

determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, ferries and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of lands through which said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained. Proviso

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

tice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the company for such lands and materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners thereof to recover the amount of said valuation, with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company.

Proceedings in case of appeal.

8. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after the filing of the said report, the court shall have power upon good cause shown to set the same aside, and thereupon to direct a proper issue for

the trial of said controversey, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court, to be holden in the said county, upon the like notice and in the same manner as other issues in the same court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgement thereupon, with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or less sum than the company have offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon the refusal to receive the same, upon the tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where public or other roads shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing and repassing, shall not be impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways, over or under said road, so that the same may be conveniently passed.

Rates of fare, &c.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property on their railroad as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road, which is usually weighed by the ton; or four cents per mile for carrying each passenger on said railroad.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper, out of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring works.

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

May purchase and hold real estate.

13. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad and at the intermediate depots on the line of the same, and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements as they may deem proper or expedient for the safety of property and the construction and repairing of cars, carriages, steam engines and other necessary uses.

Statement of costs and expenses to be made and filed

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road, and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one half of one per cent. on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall

be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money and secure the same by mortgage. Proviso.

16. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the first day of August next ensuing, that then and in that case this act shall be void. Time for completion of road

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, while traveling for the purpose of discharging official duties, and the members and officers of both houses of the legislature of this state during their term of office shall pass and repass on the railroad of said company in their cars free of charge. Free passes.

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

Approved April 2, 1869.

CHAPTER DXLIV.

An Act to supply the town of Plainfield, Union county, and towns adjoining with water for public and private use.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen O. Horton, Abram C. Corriell, Daniel J. Marshall, James Clark, Daniel C. Hyde, John K. Field, W. B. F. Lane, Ayres Codington, Augustus Codington, Elias R. Pope, Enos W. Runyon, Carman Parse, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, in law and in fact, by the name of "The Plainfield Water Supply Company," and by that name shall be capable in law of purchasing, holding, leasing and conveying any lands, water, water rights, tenements, goods and chattels whatsoever necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the obtaining, supplying, securing, preserving, storing, transporting and selling of water and the erection of proper water works, and distributing of the same for public and private purposes.

Name.

Amount of capital stock

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

Directors, how chosen.

3. *And be it enacted*, That the affairs of said company shall be managed and controlled by a board of directors, twelve in number, who shall be stockholders therein, and a majority of whom shall be residents of this state, to be chosen by the stockholders thereof annually, at such time and in such manner as the by-laws shall provide, and who shall serve for one year and until others are elected and qualified, said directors shall elect by ballot a president out of their own number, and also elect or appoint such other officers or agents as they may deem expedient; may fill vacancies in their own board, and may have a common seal and alter the same at pleasure, and until after the first annual election after the passage of this act, the twelve (any five of whom shall constitute a quorum

for doing business) persons named above shall be the directors of said company, and have power to make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

Books of subscription to be opened.

4. *And be it enacted*, That a book of subscription to the capital stock of said company shall be opened, under the direction of the board of directors, in such manner and at such time as they may designate; and it shall be lawful for said directors to call and demand from the subscribers to said stock, installments not exceeding ten per centum thereof, and with not less than thirty days intervening between each demand so made; in case any subscriber shall neglect or refuse to pay any instaliments when called for as above provided, and within thirty days thereafter, such stock and all previous payments thereon may be forfeited, but only by a resolution of the board of directors; as soon as twenty-five thousand dollars of said stock is subscribed, and twenty-five per centum thereof paid in, in cash, it shall be lawful for said company to commence business.

Adjoining towns may subscribe.

5. *And be it enacted*, That any of the adjoining town authorities or any body corporate may and they are hereby authorized to subscribe to the capital stock of this company.

Place of supply, &c.

6. *And be it enacted*, That the said water supply company are hereby authorized and empowered to take water from any lake, pond, stream or spring within the county of Union or adjoining counties, except the Rahway river and its branches; *provided*, that the rights of owners damaged thereby be legally obtained or paid for, as hereinafter provided, and to store and convey such water by means of aqueducts, pipes, mains, reservoirs, and other suitable works and appliances, through the lands, streets and roads of the town or village of Plainfield and adjoining towns; and also to take and hold any land or other property, and to exercise any powers not inconsistent with the laws of this state for carrying into full effect the purposes of this act.

Shall cause a survey to be made of lands required.

7. *And be it enacted*, That the said company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, on which the land of each owner shall be designated; which map shall be signed by the surveyor making the same, and by the president of said company, and be filed in the office of the clerk of the town or village of Plainfield; and the said company, by any of its officers, surveyors, or agents, may enter upon

any lands or premises for the purpose of making such examination, surveys, levels or maps.

Proceedings when company and owners of lands cannot agree.

8. *And be it enacted*, That in case said company cannot agree with the owner or occupants of any lands or water intended to be taken or used as aforesaid for the purchase thereof, the said company may apply to the judge of any county or state court, residing or sitting in Union or adjoining counties, for the appointment of three commissioners, by whom the compensation to be paid for the lands or water required and proposed aforesaid to be used and taken, shall be ascertained and determined; and in case of the refusal, disability or neglect to act of any of said commissioners, any of the judges named aforesaid shall, on application, appoint others on their places.

Commissioners must take oath.

9. *And be it enacted*, That the commissioners shall before entering upon their office take and subscribe an oath before any person authorized by the laws of this state to take acknowledgement of deeds, that they will faithfully and without fear or favor, render true and just award on each and every case submitted by the company to them, they shall also give at least ten days' notice in one of the newspapers published in Plainfield, of their meeting, and cause a notice of the same to be posted upon each and every of the premises in question, and so far as with ordinary diligence they may ascertain the residence or place of business of the parties interested herein, they shall notify them of said meeting through the post office or by personal service, in case any of said owners shall be married women, insane, infants or otherwise incapacitated to act for themselves, one of the judges aforesaid may appoint some suitable persons to act in their behalf before the said commissioners, the commissioners may issue subpœnas to compel the attendance of witnesses before them, and they or any of them may administer the usual oath to such witness, the commissioners shall keep a true record of their proceedings, containing the testimony taken, and showing the sum awarded to each owner or other person, and return the same to the county court to be filed as of record, the company shall pay each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duties under this act.

Appeal may be taken.

10. *And be it enacted*, That the said company or any party to the proceeding of the commissioners, may within ten days after any award or determination is filed as aforesaid, appeal

therefrom, upon due notice to the other party or parties interested in the same, and the county court shall upon the report of the commissioners proceed to hear the said appeal, and may confirm the proceedings of the commissioners, set the same aside for irregularity, or order new proceedings and appraisements.

Subsequent proceedings.

11. *And be it enacted*, That upon the payment or legal tender of any compensation awarded by the said commissioners, or in case of appeal by the court, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters, and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same to their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same in the county court.

Legal authorities of Plainfield may make contract with company

12. *And be it enacted*, That the legal authorities of Plainfield, or adjoining town or village, are hereby authorized to enter into any agreement mutually agreed upon by them and the company, to give, take and receive a supply of water for sanitary purposes, for public hydrants, for the extinguishment of fire or other general purposes; and the said towns and villages may issue bonds therefor, in such amounts as shall be duly authorized by a majority of legal votes at a regular or special town meeting; *provided*, that thirty days' notice of the same be issued and published in the usual manner therefor.

Penalty for injury to works.

13. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, hydrant, pipes, or other portion of said company's works, or destroy or injure such works, he shall forfeit and pay treble damages, one part to said company and the balance to the poor fund of the village, to be sued for and recovered by any citizen of the town; and such person, on conviction thereof, before any court having jurisdiction of the offence, shall be punished by fine and imprisonment; by fine not less than fifty dollars, and by imprisonment not exceeding one year, or by both fine and imprisonment, at the discretion of the court.

Meetings of taxable inhabitants authorized.

14. *And be it enacted*, That this act shall, to all intents and purposes, be a public act, and the legal authorities of any of the towns or villages are hereby authorized to call any meeting of the taxable inhabitants thereof, for any purpose for which any meeting may be required or necessary under

the provisions of this act, for the purpose of obtaining a supply of water for their inhabitants.

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

Approved April 2, 1869.

CHAPTER DXLV.

An Act to incorporate the New Jersey Land and Lumber Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ayres Codington, Charles Tappen, Israel Codington, Daniel I. Somers, Lewis D. Cook, Augustus Codington, Gideon R. Giles, John J. Bergen, and John H. Whelan, and all such persons as may hereafter be associated with them, be and they are hereby constituted and declared to be a body politic, in fact and in law, by the name of the New Jersey Land and Lumber Manufacturing Company, and by that name the said company shall have power to purchase, lease, procure, hold and convey such lands or real estate, in any state or territory of the United States or Dominion of Canada, subject to the laws thereof, as may be necessary or proper, for effecting the object of this corporation, and to erect and construct thereon, mills, buildings and machinery for cutting, sawing, manufacturing, storing and selling lumber of all kinds, and shall have power to cut, saw, manufacture, store and sell, or otherwise dispose of lumber of all kinds, and shall have also all other powers as are enumerated in the first section of the act concerning corporations.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of this corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in, at such time or times, and in such manner and installments as the said corporation by their by-laws or otherwise may direct or appoint, and in case of a failure by any

stockolder to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of this corporation, and the said corporation may hereafter increase their capital stock to any amount from time to time, to not exceeding three hundred thousand dollars; *provided*, said corporation shall not commence business until the sum of five thousand dollars shall have been paid in. Proviso.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed and considered personal property, and shall be transferable on the books of said corporation in such way as the said corporation by their by-laws shall determine; that for every share of stock the holder thereof shall be entitled to one vote, and that such vote may be given in person or by proxy. Stock transferable.

4. *And be it enacted*, That the said corporation shall have the power to borrow such sum or sums of money from time to time, not to exceed the amount of the actual amount of the capital stock or the amount of money which shall have been paid in from time to time as capital of said corporation, as shall be necessary for the purposes of their incorporation, and to secure the repayment thereof by the execution of any promissory note or notes, or of any bond or bonds secured by mortgage on their lands or personal chattels. May borrow money, &c.

5. *And be it enacted*, That the affairs of said corporation shall be managed by nine directors, any four of which shall be a quorum to do business, but any less number shall have power to adjourn; and that said Ayres Codington, Charles Tappen, Israel Codington, Daniel J. Somers, Lewis D. Cook, Augustus Codington, Gideon R. Giles, John J. Bergen and John H. Whelan, shall be, and are hereby appointed the first board of directors to serve until the first Monday in January, anno domini eighteen hundred and seventy, at which time an election shall be held for directors, to serve for the ensuing year, and the said directors or a quorum of them as soon as convenient hereafter shall appoint one of their number to be president of said corporation, and shall also appoint a secretary and a treasurer of said corporation, which officers shall hold their respective positions until the first Monday in January next, at which time they may be reappointed or others appointed in their stead; and should a vacancy at any time occur in the board of directors by death First directors

or otherwise, then the board at any subsequent stated meeting, may fill such vacancy until the next annual meeting for an election of directors, and no person shall be a director but a stockholder.

Directors and how elected.

6. *And be it enacted*, That the first annual election of directors shall be held at the time aforesaid, at the company's office; and that all subsequent elections for directors shall be held at such time and in such county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; and the board of directors shall appoint the judges of election; but if it shall happen that an election of directors should not be had on the first Monday in January next, or at the time appointed for the holding of any subsequent election therof, the said corporation shall not for that cause be deemed dissolved, but such election shall be had at such other time and place as the board of directors for the time being shall or may appoint; and in all such cases the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors as soon as convenient thereafter, shall proceed to elect out of their number a president, secretary and treasurer, as directed in the fifth section of this act; said officers to serve until the next annual election of directors, and they may be re-appointed or others appointed in their stead; that the president shall preside at all meetings of the board; but in case of his absence, any other of the directors present may be chosen president pro tempore; that all stated meetings shall be held at such times and places as the by-laws may ordain or the directors shall appoint; that special meetings may be held by appointment of the board or upon the call of the president; that the directors shall receive no compensation for their duties or services as such, and that the compensation of the president, secretary and treasurer shall be fixed by the board; the president or said corporation by the advice and consent of the board, shall have power to appoint all needful agents, superintendents, and secure the services of all other persons deemed necessary to carry on the business of said company; *provided*, the same be not otherwise ordained by the by-laws of this corporation.

Proviso.

Powers of directors.

7. *And be it enacted*, That the board of directors shall have power to enact, alter, amend, and repeal by-laws, rules and regulations, prescribing their regulations of dividends, the manner of filling vacancies, the government and manage-

ment of the stock, property and business of the corporation and of the officers and persons employed by them, and all other needful by-laws, rules and regulations not inconsistent with the constitution and laws of this State or of the United States.

Place of business.

8. *And be it enacted*, That the principal office of this corporation for the time being shall be at South Bound Brook, in this state, that the same may be removed to Jersey City or Newark, when it shall be for the interests of the corporation so to do; and it shall be lawful for them to have offices at other places in this state, and to have all other offices out of this state necessary to transact their business out of this state, and the legislature may alter, amend or repeal this act whenever the public good may require.

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

Approved April 2, 1869.

CHAPTER DXLVI.

An Act authorizing the Township Committees of the townships in the County of Union to fill vacancies in certain cases.

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death, resignation, inability, disqualification, removal, from office, neglect or refusal to act, or removal out of the said townships of any of the officers elected at the annual town meetings of said townships, (except justices of the peace,) it shall be lawful for the township committees of said townships to appoint others in their stead, until the next annual town meeting, who shall, during the said time, perform the like services, be entitled to the same fees, and be subject to the same responsibilities as though elected at the annual elections.

In case of tie township committee shall elect.

2. *And be it enacted*, That in case any officer to be elected at the annual town meetings of said townships (except jus-

tices of the peace) shall not have been chosen by reason of two or more candidates having received an equal number of votes, the said township committees shall, at their first meeting after the annual election, elect by ballot such officer from the candidates having such equal number of votes.

Repealer. 3. *And be it enacted*, That all acts inconsistent with this act be repealed, so far as the said county of Union is concerned.

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

Approved April 2, 1869.

CHAPTER DXLVII.

A Supplement to the act entitled "An Act to incorporate the Spotswood and Old Bridge Turnpike Company."

Provisions of act extended 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of said act shall be extended to authorize the construction of said turnpike, in addition to the same already authorized, from some point in the village of Spotswood, at or near the house now belonging to William Gabriel, where a run of water crosses the road, to some point in the village of Jamesburg, subject to the same limitations and upon the same conditions as is contained in said act.

2. *And be it enacted*, That the time for building said road shall be and is hereby extended five years from the date of this act.

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

Approved April 2, 1869.

CHAPTER DXLVIII.

An Act to incorporate the Union Meadow Company of Upper Raccoon Creek, in the County of Gloucester.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of the meadows and marsh, situate, lying and being in the townships of Woolwich and Harrison, in the county of Gloucester, and being within the boundaries and limits hereinafter mentioned, that is to say: beginning at a point on Raccoon creek, above Swedesboro, known as Jenning's Gravel; thence east or up said creek to the upper part of William Hazelton's meadow, on the line crossing the creek between Hazelton and Horner; thence from forks of said creek up South Branch to the public road leading from Ezekiel Moore's to Mullica Hill, and within said boundaries covering from shore to shore, are hereby incorporated and constituted a body politic and corporate under the name, style and title of "The Union Meadow Company of Upper Raccoon Creek."

Name.

Commissioners to make survey, map, &c.

2. *And be it enacted*, That Thomas Gaskill, John W. Hazelton and Alexander Black, of said county, are hereby appointed commissioners, who, or a majority of whom, shall at any time between the passage of this act and the twentieth day of May next, after giving two weeks' notice in writing to each of the owners or possessors of said marsh or meadow, or by advertising the same in "The Constitution," a newspaper printed and published at Woodbury, in said county, for the like space of time, stating the time and place of their meeting, cause a survey to be made of the exterior limits or boundaries of said meadows or marsh, and locate the creek, where necessary to make new cuts, by measured and staked lines in such place or places as may appear most safe and beneficial to the whole of the owners of the said meadows or marsh, and shall also cause each owner's and possessor's share within said limits to be strictly measured, and a correct plot or map of the whole to be made, exhibiting the entire bounds of said survey, the alterations necessary for new cuts in said creek, and also the number of acres held by each one, and shall make a valuation of the same, having regard to quantity and

quality, and their map, report and valuation, under their hands or the hands of a majority of them in writing, shall be given to the managers to be elected as directed in section fourth of this act, (after having caused said report and valuation to be recorded in the road book in the clerk's office of said county), which shall remain in their possession during their continuance in office, and at the expiration of such term be delivered to their successors, and shall be entered in the manager's book and received as evidence of each owners quantity of acres and the value each lot is rated at, and all assessments thereafter shall be made in the same ratio.

Vacancies, how filled.

3. *And be it enacted*, That in case of death, or for any any other cause the said commissioners, or either of them shall not act, other commissioners may be appointed in the places of such as shall not act by any three or more of the meadow holders, by writing under their hands, and he or they so appointed shall be empowered to act as if named in this act.

Election of managers.

4. *And be it enacted*, That on the first day of May, eighteen hundred and sixty-nine, the owners of the aforesaid meadow shall meet at the house of George T. Ford, in Swedesboro, in the said township of Woolwich, and by a plurality of votes elect three managers, one of whom shall in like manner be chosen treasurer, and one clerk of said corporation, who shall serve until the next annual meeting, which is to be on the third day of May, eighteen hundred and seventy, at one o'clock, p. m., at the house of the said George T. Ford; and in all cases in which there shall be a failure to elect the managers as aforesaid, the persons serving during the past year shall be continued in office until others are chosen; and at each annual meeting the time and place for the next annual meeting may be determined; and the votes given under this act shall be by the quantity each owner or possessor may have, allowing one vote for each and every five acres not exceeding twenty acres, and one vote for each and every additional ten acres, and in case any one or more of said owners shall have less than five acres each, he or they shall be entitled to one vote each.

Duties of the managers.

5. *And be it enacted*, That it shall be the duty of said managers to determine the width and depth of said creek, to alter the course thereof as specified by the commissioners in their report, to dredge and clear out the same, and shall have power and authority to contract with proper and competent

parties for the performance of all necessary work for the thorough and effectual drainage of said meadow and marsh, and if necessary to borrow money for the prosecution of the same; and it shall be lawful for the said managers to prepare a way along said creek for the working of a dredging machine, and shall cause notice to be served upon any person or persons who may have timber standing upon the same to remove so much thereof as would prevent or hinder the working of said machine; and if any person or persons as aforesaid shall refuse or neglect, for ten days after such notice shall have been served, to remove such timber, the said managers shall cause the same to be removed, and the cost of such removal shall be added to and collected with the amount assessed against such person so refusing or neglecting as aforesaid.

Expenses assessed on owners of meadows.

6. *And be it enacted*, That the said managers shall assess upon the several owners of the meadows and marsh, within the bounds of the commissioners' survey, ratably and agreeably to the valuation and quantity each owner may have in the same, all sums that have already been expended for surveying, engineering, etc., and that may from time to time be needful for the purposes of their duty, as prescribed in this act, and shall state the said assessment in a regular duplicate, containing the names of the owners or possessors, the number of acres and parts of acres held by each, the sums assessed on them severally and the time or times of payment; which duplicate shall be delivered by them to the treasurer chosen as aforesaid.

Treasurer shall demand and collect assessments.

7. *And be it enacted*, That the treasurer, on receipt of the said duplicate, shall in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, thirty days before the time of payment the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of thirty days after the time fixed for the payment thereof, it shall and may be lawful for the said treasurer to enter upon and take the rents, issues and profits thereof, or sell and dispose of the grass, hay or grain thereon, or may sell at public vendue, for a year or term of years, the meadows and marsh of each delinquent, and make a good and valid lease for the same during said term, taking care to sell the same for the shortest period of time that will liquidate the so un-

paid sum or sums, with costs and expenses; and it shall be the duty of the said treasurer to give at least twenty days' notice of the time and place of such sale, by advertisements in three of the most public places in the neighborhood of said premises, before he shall proceed to enter on, lease or sell the property of any delinquent.

Treasurer shall give bond.

8. *And be it enacted*, That the said treasurer, before he shall enter upon the discharge of his duties, shall give bond with sufficient security, and in such amount as the meeting at which he was appointed shall decide, for the true and faithful performance of his duties, as prescribed by this act, to the said "The Union Meadow Company of Upper Raccoon Creek."

Duties of the clerk.

9. *And be it enacted*, That the clerk of said corporation so chosen as aforesaid, shall, at the expense of the company, procure and keep a book, and shall see that the names of all the owners and possessors for the time being, with the quantity of meadow or marsh owned or possessed by each, are entered therein, and make fair entries of all the proceedings at the annual or other meetings of said company, and all such other entries from time to time as may be necessary for the well ordering of the affairs of said company; and shall produce all papers and other property of said company in his possession at the annual meeting and deliver them over to his successor in office.

Commissioners shall give certificates as to lines.

10. *And be it enacted*, That it shall be the duty of the commissioners named in section two of this act, to grant a certificate to each of the owners or possessors, having his or their line marks disturbed by the alteration of the course of said creek, stating the time when such alteration was made, the distance from the middle of the new to the middle of the old channel, the probable quantity of meadow cut off or set over, and give any fact that will tend to perpetuate the identity of the old lines.

Notices of meetings.

11. *And be it enacted*, That whenever the managers shall deem it necessary to call a special meeting of the company, they shall direct the clerk to give at least two weeks' notice thereof to each member, designating the time, place and object of such meeting; and no business unless so designated shall be transacted at such meeting.

Vacancies, how filled.

12. *And be it enacted*, That in case any of the officers named in this act shall die, or be unable or refuse to serve during the term for which they were elected, the said vacancy

or vacancies may be supplied at a special meeting, as provided for in the tenth section of this act.

13. *And be it enacted*, That the commissioners provided for in section two of this act shall be paid by the company three dollars per day for each and every day they or either of them, respectively, shall be employed in discharging the duties herein enjoined, and all other aids and assistants by them employed, such compensation as the said commissioners shall conceive them entitled to be paid by the company for the time so employed out of the funds of the said company; and the fees, wages or remuneration of all the officers to be chosen by the said company shall be fixed and determined by a majority of the votes of said company, at its annual meeting, previously to the election of officers for the ensuing year. Compensation

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

Approved April 2, 1869.

CHAPTER DXLIX.

An Act to incorporate the Young Men's Christian Association of the City of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles C. Lathrop, John R. Burnett, William H. Ayres, Orson Wilson, Edward T. Cone, Caleb C. Collins, William F. Pettit, Frederick A. Marcell, Henry M. Burnett, Thomas M. Cox, Laben Dennis, Charles Callender, Henry L Wilcox, Wilbur B. Wilkinson, William M. Clark, Henry Smith, junior, E. Pierson Moore, John K. Dunlap, Christian Schaffer, Alexander T. Benedict, Samuel Clark, John J. E. Rothery, George Kinsey, Edmund R. Laine, Malcolm Brookfield, William H. Van Iderstine, George Roubaud, Thomas J. Stead, Joseph C. Pierson, Edward A. Sayre, George W. Robertson, David Brockie, and their associates and successors, are hereby constituted a body Corporators.

corporate by the name of "The Young Men's Christian Association of the city of Newark."

Objects. 2. *And be it enacted*, That the objects of this incorporation shall be the improvement of the spiritual, mental and social condition of young men and other persons by the support and maintenance of systems of lectures, sermons, and other services, libraries, reading rooms, and social meetings, and by such other means, not inconsistent with the objects of the association, as the board of managers may devise.

Management. 3. *And be it enacted*, That the business affairs and estate of said corporation shall be managed and conducted by a board of managers, to consist of the officers of the association, and at least one person from each evangelical denomination represented in the association, each of whom shall be a member in good standing of some evangelical church; the officers and board of managers of the "Young Men's Christian Association of Newark," as hereinbefore named in section one of this act, elected on the second Monday of May, eighteen hundred and sixty-eight, shall constitute the first board of managers, to manage and conduct the affairs and estate of the "Young Men's Christian Association," created by this act, and shall hold their offices until the second Monday in May, eighteen hundred and sixty-nine, or until others are elected to fill their places.

4. *And be it enacted*, That the said corporation may adopt such a constitution and by-laws, and the board of managers such by-laws and rules for the regulation of its business, the management of its affairs, the choice, powers and duties of its officers and agents, as are not inconsistent with its character and the laws of this state.

May receive gift, grant or devise. 5. *And be it enacted*, That the body corporate created by this act, shall be capable of taking, by purchase, gift, devise or bequest, and holding and conveying any real or personal estate, moneys, or other articles for the uses of said corporation, not exceeding in value one hundred thousand dollars, and so long as the said real estate, or the income of the same, shall be used exclusively for the purposes of this association, shall be exempted from taxation, to an amount not exceeding one hundred thousand dollars, said real estate shall be vested in and managed by the officers and board of managers of the association.

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

Approved April 2, 1869.

CHAPTER DL.

An Act to incorporate the Rutherford Park Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob W. Van Riper, Henry Miller, Charles Blakiston, Daniel Van Winkle and Joseph P. Cooper, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body corporate, by the name of "The Rutherford Park Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of coal, oil, resin, or other materials, for the purpose of lighting the streets, buildings, manufactories and other places, at Rutherford Park, in the township of Union, in the county of Bergen, in this state; the same being bounded as follows: on the northeast by the New York and Paterson turnpike and plank road; on the northwest by the Passaic river; on the southwest by Jauncey avenue, and in line of said avenue to the Hackensack river, and on the southeast by said Hackensack river; 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 receiving debts, which have become due to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained, in writing, from the owner or owners thereof. Corporators. Name and objects.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues and public grounds at Rutherford Park, aforesaid, in the vicinity thereof, and to do all things necessary to light May lay pipes in roads and streets, &c.

the streets, buildings, manufactories and other places at Rutherford Park, aforesaid, and in the vicinity thereof, with gas; Proviso. *provided*, that the public travel shall at no time be affected or impaired by the laying of such pipes, or the erection of said posts; and the streets, side and cross-walks, public grounds, lanes and avenues shall be left in as good and perfect condition as before the laying of such pipes, or the erection of such posts.

Commissioners to receive subscriptions. 3. *And be it enacted*, That Jacob W. Van Riper, Henry Miller, Charles Blakiston, Daniel Van Winkle, Joseph P. Cooper, or a majority of them, are hereby appointed commissioners for receiving subscriptions for the sum of two 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 two weeks in a public newspaper, printed at Hackensack, in said county of Bergen; 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, in cash or certified check, by each subscriber, at the time of subscription, to the said commissioners, or their duly appointed agent; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of said company, to be appointed as hereinafter directed; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors; and the said board of directors, 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 two hundred thousand dollars; and are also authorized to call upon all the subscribers for the payment of the further installments, in such sums, at such time or times and under such forfeiture or forfeitures as they may deem expe-

Non-payment of installments to work a forfeiture of stock.

dient, until the whole amount of such shares, so subscribed, shall have been fully paid; *provided*, that no such installment shall exceed twenty per centum upon each share, and that no installment shall be required within twenty days of each other; *and provided, further*, that for five days after the opening of the subscription books, no person shall subscribe for a larger number of shares than two hundred, nor shall any one subscribe who is not a resident at Rutherford Park, aforesaid; that after the expiration of the said five days, and for five days succeeding, any person may subscribe for any number of shares, he being a resident of this state, and no person residing out of this state shall subscribe, either in person or by attorney, until after the expiration of ten days from the opening of said books. Proviso. Proviso.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in seven directors, to be elected from the stockholders, three of whom shall be residents at Rutherford Park, aforesaid, and the said directors shall choose, by plurality of votes, a president from among themselves; and as soon as conveniently may be, after twenty-five 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, at Rutherford Park, aforesaid, as they shall designate in such notice, to choose the first board of directors, who shall hold their offices for one year from said day of election, and until others are elected; and said board of directors shall, by their by-laws, appoint a day for holding the annual meeting of stockholders, for the election of directors; and the said president and board of directors shall hold their offices from the day of election on which they were appointed, till the next annual election, and until others are elected; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published at Hackensack, aforesaid; and any vacancy in this board of directors may be supplied by appointments, to be made by this 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. Directors, how elected.

5. *And be it enacted*, That if, at any time, an election is not held on the day appointed by the by-laws, this corpora- Not dissolved by failure to elect.

tion shall not be dissolved for that cause, but an election shall be held, in such manner as directed by the by-laws, at any time within the year, and the former directors shall hold their office until their successors shall be appointed.

6. *And be it enacted*, That three directors of said corporation shall be a quorum, and that said quorum, or a majority of them, shall be competent to transact all the business of said corporation.

Transfers of stock.

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

May borrow money.

8. *And be it enacted*, That the said company shall have the power to borrow money not exceeding one hundred thousand dollars, and to mortgage their said lands, works, appurtenances, franchises and privileges, and to make and execute other assurances to secure the payment of said sum or sums of money so borrowed, and interest thereon.

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine, or other structure whatsoever, or anything appertaining to the works of said corporatien, 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 five hundred dollars, or imprisonment at hard labor not exceeding one year or both; *provided*, such criminal prosecution shall not, in anywise, impair the right of action for damages by 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.

Proviso.

Books of account to be kept.

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

General powers.

11. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved fourteenth day of February,

eighteen hundred and forty six, so far as the same are applicable; and shall continue in force for thirty years.

12. *And be it enacted*, That this act is declared to be a public act, and shall take effect immediately.

Approved April 2, 1869.

CHAPTER DLI.

A Further Supplement to the act entitled "An Act concerning Inns and Taverns."

Restriction of sale of beer, &c., unless licensed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons to sell any ale, porter, beer, or other malt liquors or cider as a beverage, within the township of Buena Vista, in the county of Atlantic, except it be at a regular licensed inn or tavern.

People may decide as to licenses.

2. *And be it enacted*, That it shall be submitted to the people of the said township annually, at their regular town meeting, to decide whether they shall apply for a license to the court for an inn or tavern licensed to sell intoxicating liquors as a beverage in the said township, and that no license shall be granted to any person or persons for that purpose unless a majority of the votes thus cast shall be in favor of the same.

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

Approved April 2, 1869.

CHAPTER DLII.

An Act relating to the election and duties of Overseers of the Highways in the township of Caldwell, in the county of Essex.

Election of overseers of highways by districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the several road districts in the township of Caldwell, in the county of Essex, shall hereafter elect the overseers of the highways of said districts respectively, viva voce, by a plurality of voices, at the hour of four p. m. of the Saturday next following the day of the annual town meeting in said township, at places in said districts, respectively, to be designated by the clerk of said township by notice in writing set up at the place where such annual town meeting is held, by ten o'clock in the forenoon of the day whereon such annual town meeting is held.

District meetings.

2. *And be it enacted*, That such district meetings may be called to order by any legal voter present at the hour for the opening thereof aforesaid, and when so called to order may proceed by a plurality of voices of the legal voters present to elect moderators of such meetings, respectively; and when so organized may proceed to elect overseers of the highways in manner aforesaid.

Overseers shall take an oath.

3. *And be it enacted*, That each of the overseers of the highways so elected shall, within ten days after such election, take and subscribe, before some officer authorized to administer oaths or affirmations, and file with the clerk of said township, an oath or affirmation faithfully to discharge all the duties pertaining to his office.

Vacancies, how filled.

4. *And be it enacted*, That it shall be the duty of the said town clerk, within five days after the time limited as aforesaid for filing such oaths or affirmations, to certify to the chairman of the town committee of said township, a list of the road districts whose overseers have omitted to file their oaths or affirmations within the time so limited, and there shall be deemed to be a vacancy in every district on the part of which no oath or affirmation as aforesaid shall have been filed within said limited period; and said chairman shall

thereupon forthwith call a meeting of said town committee, whose duty it shall be, when assembled, to appoint an overseer to fill such vacancy from among the legal voters of the district in which such vacancy shall exist; and it shall also be the duty of said town committee, whenever there shall occur a vacancy in the office of overseer in any district, by the death or removal from the district of any incumbent, or from any other cause, to make appointments forthwith to fill such vacancy; such appointments shall be by resolution, entered on the minutes by the clerk, who shall forthwith serve the appointee with an attested copy thereof, by delivering the same to him personally, or leaving the same at his dwelling house or last place of abode; and the person so appointed shall, within ten days after such notice, take and file with the said clerk an oath or affirmation in the manner aforesaid, a failure to do which shall be deemed a refusal to serve, and upon notice of such failure, to be given by said clerk as aforesaid, the said town committee shall proceed to fill the vacancy as aforesaid.

Road tax may be worked out

5. *And be it enacted*, That it shall be the duty of the assessor of said township, within five days after the completion of his assessment in said township, to deliver to the overseers of said districts a list of the inhabitants of said districts, who shall have been assessed for the raising of money to open, clear out, amend and repair the highways of said township, and if any person so assessed shall elect to work out his tax or any part of it on the said highways, he shall give notice thereof in writing to the overseer within whose district he resides, on or before the first day of May; and the said the overseer shall cause the whole of the road tax of such person to be worked out on the highways in his district by the twentieth day of September next ensuing, and allow and credit him for his own labor, or that of a sufficient substitute furnished by him, and for the use of his teams, if any by him furnished, the following compensation for every day of ten hours to the day, as follows, viz: For every such person (or sufficient substitute), one dollar and fifty cents; for every horse and cart with a driver, two dollars and fifty cents; for every two-horse team, with a driver, three dollars and fifty cents; for every two ox team, with a driver, three dollars and fifty cents; and every such person shall, on being served with two days previous notice in writing, by delivery thereof to him personally, or leaving the same at his dwelling house,

Compensation for labor.

attend himself (with teams, if required), or send a sufficient substitute, at such time and place as shall have been appointed by said overseer, and shall work on said highways under the direction and supervision of said overseer, who shall be allowed for his services the sum of two dollars a day for every day of ten hours, when so employed.

Overseer shall give a receipt therefor.

6. *And be it enacted*, That the said overseer shall give to every person so working out his road tax or any part thereof, a receipt in full, or an account thereof, which shall be accepted by the collector of the township as proof of payment in full or pro tanto; and the said overseer shall, within five days after the said twentieth day of September, report to the said collector a list of the names of all persons in his district who having given notice of their election to work out their taxes, shall have failed or refused so to do in whole or in part, upon notice as aforesaid, with a statement of the amounts remaining unpaid; and thereupon the said collector shall proceed to collect the same, together with an addition thereto of fifty per centum, in the same manner and within the same time as he is required to collect other taxes under the general laws of this state; and in case of non-payment thereof within the time required by law, he shall return the names of the delinquents with the sums due from them respectively, adding thereto the aforesaid per centage, to some justice of the peace of the county; and the further proceedings for the collection of such taxes and the per centage added thereto, shall be the same as prescribed by law for the collection of other taxes of delinquents; which taxes and per centage [shall] when finally collected, be paid to the overseer of the district where such delinquents resided and elected to work out their taxes, to be by said overseer faithfully applied towards the improvement of the roads in his district.

Collector shall collect amounts due.

Overseers shall keep a book, &c.

7. *And be it enacted*, That each of the overseers of said township shall, in a book to be kept for that purpose, enter the names of all persons in his district electing to work out their taxes, with the amount of such taxes respectively annexed, together with a statement of the amount of labor done by said persons respectively, a transcript from which book, verified by oath or affirmation, and also a statement under oath or affirmation, of the condition of the roads in his district, with the work done thereon, shall be laid by said overseer before the town committee, on or before the day of the

annual meeting in each year; and the book shall be delivered by him to his successor within ten days after his appointment.

Penalty for refusing to serve as overseer.

8. *And be it enacted*, That any overseer of the highways who shall, upon being elected or appointed as aforesaid, refuse to serve or fail to qualify and file his official oath or affirmation within the time herein prescribed, shall thereupon forfeit the sum of twenty dollars, to be paid to the clerk of said township for the use of the district for which he was so elected or appointed, which sum may be sued for and recovered, with costs, by said clerk in his own name as clerk of said township, in an action of debt, before any justice of the peace of the county; and it shall be the duty of said clerk to sue for said penalty, if not paid within thirty days after the forfeiture thereof.

Printed copy served on overseers.

9. *And be it enacted*, That it shall be the duty of the township committee of said township to cause a printed copy of this act to be served on each of said overseers on or before the first day of May next, for the information and guidance of such overseers, who shall deliver the same to their successors in office in connection with said road book.

Penalty for neglect of duty by other officers.

10. *And be it enacted*, That if any assessor, overseer, town clerk, member of the town committee or collector of said township shall neglect or refuse to perform promptly and faithfully any duty required by this act to be performed by him, he shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not less than thirty dollars nor more than five hundred dollars, in the discretion of the court, with costs.

Repealer.

11. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DLIII.

An Act to incorporate the First Union Co-operative Land Building Association.

Preamble. WHEREAS, the First Union Co-operative Land and Building Association, of which John Watson is president, Francis W. Nuber is treasurer and Albert Allingham is secretary, incorporated in and under the laws of the state of New York, being a body corporate, and known by the name of "The First Union Co-operative Land and Building Association," for the purpose of buying land and building houses thereon for the members of the association; and whereas a portion of the members of the said association for their own convenience and preference do prefer to reside in the state of New Jersey, and to enable the association to accomodate such of its members as may so desire; now, therefore,

May hold real and personal estate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Watson, Francis W. Nuber and Albert J. Allingham, who are now incorporated under the laws of the state of New York, and all such persons as may be now or hereafter become associated with them, their successors, representatives and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, known by the name of "The First Union Co-operative Land and Building Association," and by that name may purchase and hold land and real estate in the state of New Jersey for the purpose of carrying on the business for which said association was incorporated, and may mortgage, lease and convey the same at pleasure.

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

Approved April 2, 1869.

CHAPTER DLIV.

An Act to incorporate the Burlington and Columbus Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "The Burlington and Columbus Turnpike Company," and that the following named persons: John Mitchell, Edmund Morris, Nathan W. C Hays, George Russell, Martin Smythe, Peter Post, Moses Ballou, Charles Post, Samuel McLean, Godfrey H. Hays and John Russell, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior thereto, by publishing the same in at least two newspapers of Burlington county. Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with power to increase the same to any sum that may be necessary to carry into full effect the object of this act, and not to exceed twenty thousand dollars, and shall be divided into shares of ten dollars each; that at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for, to the said commissioners, or any one of them, which money shall be paid over to the treasurer of the said company as soon as one shall be appointed; and the residue of said stock shall be paid to said treasurer in three installments, of two dollars and fifty cents each, upon each and every share at periods of four months each, that is to say, the first installment to be paid at the expiration of four months; the second installment to be paid at the expiration of eight months; and the third installment at the expiration of twelve months from the date of subscribing thereto, and upon failure of the payment thereof as so provided, the board of directors shall Amount of capital stock.

have power to forfeit the share of every person so failing to pay said installment or any of them, to and for the use of said company.

Election of directors annually.

3. *And be it enacted*, That the affairs of said company shall be managed by seven directors, a majority of whom shall be a quorum for the transaction of business; but any less number may adjourn from time to time; that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least twenty days' notice of the time and place of said meeting in the newspapers as aforesaid: at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, from among their number, seven directors, for the term of one year, a majority of whom shall be citizens of this state; of which election three of the said commissioners shall be the judges, and at the expiration of said term, and annually thereafter, upon like notice being given as aforesaid by the existing board of directors, the stockholders shall elect, by ballot, from among their number, seven directors, as aforesaid, a majority of whom shall be citizens of this state; and the judges of said election shall be appointed by the president of said company; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof, in person or by proxy, and the board of directors may regulate and determine the time of year for the regular annual meeting of the stockholders, of which due notice shall be given as aforesaid; and if from any cause any election hereinbefore mentioned shall not be had at the time specified, the same may be held at any other time on like notice as aforesaid, and the officers of the preceding year shall hold their respective offices until others shall have been elected in their place, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Election of president.

4. *And be it enacted*, That within ten days after the first and each subsequent annual election of directors, they shall elect from their number a president of said company for the term of one year and until another shall be elected; he shall be presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided, he shall have charge of the seal of the said company, and in

case of his absence or incapacity the said directors shall appoint some one of their number, who for the time being shall possess the same power and authority and perform the like duties.

Appointment of treasurer.

5. *And be it enacted*, That at the stated meeting for electing a president as aforesaid, the directors shall appoint a treasurer, who shall be a stockholder and a resident of this state, and shall hold his office one year, and until another is appointed, and shall receive such compensation for his services as a majority of the directors shall direct.

Vacancies, how filled.

6. *And be it enacted*, That the board of directors may fill any vacancy that may occur therein until the annual election, and they may appoint all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from the president, treasurer and other officers and agents of said company such security for the due performance of their respective trusts as they may deem expedient; that they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements and all the affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient; to regulate the transfer of the stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state and the United States.

Proviso.

Annual statement required

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

Special meetings.

8. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president, or by the stockholders owning one-fourth of the whole stock subscribed by giving notice of the time and place of holding the same as hereinbefore directed with regard to annual meetings, which said notice shall specify the particular object of the meeting, but that when such special meeting is at the call of the stockholders as aforesaid no business of the company shall be transacted unless a majority in value of the stockholders attend and concur therein.

May build turnpike road.

9. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, with

the necessary bridges, in the manner as hereinafter stated; beginning in the city of Burlington, near the eastern edge of Assiscunk creek, at the forks of the public road, from Burlington city to Bordentown and from Burlington city to Columbus; thence, running upon said Columbus road (with such variations as the company may deem proper), to Columbus; the whole distance between the said city of Burlington and Columbus, upon the said Columbus road as aforesaid, to be apportioned into three equal divisions, and to be known as the "Burlington division," the "Centre division" and the "Columbus division;" the Burlington division to commence at the forks of the road as aforesaid and to run eastwardly, towards Columbus, for the entire length of one-third of the whole distance between Burlington and Columbus; the Columbus division to commence at Columbus and to run westwardly, toward Burlington, for the entire length of one-third of the whole distance between Columbus and Burlington; and the Centre division for the entire length of one-third of the whole distance between Burlington City and Columbus, and to lie between the points of terminus of the aforesaid described Burlington division and Columbus division, that is to say, between the eastern terminus of the Burlington division and the western terminus of the Columbus division; and the said company may by its officers, agents or any other persons in their employ, from time to time and at all times, to enter upon and pass over all lands to search for stone, gravel, sand, clay or other materials for constructing and repairing said road, doing no unnecessary damage to said land; *provided*, before said company shall close their gates or turnpikes and collect toll they shall pay the respective owners of land over which the road shall pass all damages which they shall sustain, over and above the advantages they shall respectively derive by reason of the construction of said road, if any such there be, and in case the said company and any of said land owners cannot agree upon the amount of said damages as aforesaid, then they shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining damages for materials taken from land owners for the construction of said road.

Proviso.

Width of road.

10. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in width and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently

bedded and faced with stone, gravel or other material to make a good and firm road at all seasons of the year; and the said company shall make and keep in good repair all necessary bridges on said road, and whenever said road in passing over low ground shall be raised at the sides so much as to render carriages passing on said road liable to overset, the said company shall cause good and sufficient railings or fenders to be erected and maintained on the sides so as to prevent horses and carriages from running off.

May enter on lands, &c.

11. *And be it enacted*, That it shall be lawful for the said company, their engineers, agents, superintendents and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught and all necessary materials, tools and implements, to enter upon all lands contiguous or near to said road, and as far distant therefrom as they may find it expedient, to obtain the necessary materials for the construction and repairing of said road, doing as little damage thereto as possible, and repairing any breach they may make in the enclosures thereof, and to make and maintain all such ditches and underdrains across and through such lands as may be necessary for the proper draining of said road, and to take and carry away stone, gravel, clay or sand, or other material therefrom, suitable for making or repairing said road; and if the said company or their agents, and the owner or owners of such required land or materials cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Burlington, upon application of either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of the state, commissioners to assess the price or value of such lands or materials as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment, be duly qualified according to law, faithfully and impartially to execute the duties thereof, and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision and award as to them may appear just and equitable, and transmit such award and decision in

Proceedings when company and owners of property cannot agree.

writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Burlington, to be by him filed as a public record, and certified copies taken if desired by either party, and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon said lands or remove all such materials as have been appraised as aforesaid, and when by reason of any legal incapacity, or the absence of the owner or owners of said land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any awards made in behalf of any such persons by commissioners appointed as aforesaid, into the court of chancery to the clerk thereof, subject to the order of said court, for the use of said owner or owners.

May demand and receive tolls.

12. *And be it enacted*, That as soon as said company shall have constructed any one division of said road according to the directions of this act and the true meaning and intent thereof, it shall and may be lawful for the said company to erect all necessary toll houses upon, and gates or turnpikes across the same, and to demand and receive all toll for traveling over each and every mile of said road, and for every fraction of a mile over a half mile, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, two cents;
For every additional beast, one cent;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep or hogs, and so in proportion for a greater or less number, two cents;
For every dozen of horses, mules or cattle, four cents;

and that it may be lawful for all toll-gatherers to stop all persons riding, leading or driving any horses, mules, cattle, sheep, calves or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day which he or they usually attend, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person in passing to or from one part of his farm on which he resides to another part thereof on the ordinary business of said

Proviso.

farm, or any other part of his land which is detached therefrom and is in his own occupancy and not more than one mile distant therefrom.

Mile stones to be erected.

2. *And be it enacted*, That before said company shall receive toll for travelling on said road they shall cause milestones or durable posts to be erected and maintained at every mile, and on each one shall be legibly marked the distance it is from Burlington, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs; penalty ten dollars."

Penalty for neglecting to turn to the right.

14. *And be it enacted*, That all drivers of carriages, wagons, sleighs or sleds of every kind and description, whether of burthen or of pleasure, or persons on horseback, using the said road when met by any other carriage, wagon, sleigh or sled of any kind or description, or persons on horseback shall each keep to the right in the passing direction; and also when any carriage, wagon, sleigh or sled of any kind or description, whether of burthen or pleasure, or persons on horseback, shall be overtaken by any other carriage, wagon, sleigh or sled of any kind or description, or by persons on horseback coming up from behind, then the said foremost one of whatever kind it may be shall also keep to the right so as to always and in both cases allow a free, clear and unobstructed passage by either way of his or her left hand side, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passing, and will sue for the same, with costs of suit, and shall be also subject to an action for damages for every such offence, to be recovered with costs of suit.

Penalty for injuring mile stones or posts and for forcibly passing toll-gates.

15. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile marks so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes or any other appurtenance of said road that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for every such offence, to be recovered by said company by an action of debt or other

proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horses turn out of said road to pass a gate or gates upon private grounds adjacent thereto and enter on the road again, with evident intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay ten times as much as the legal toll would have been if he had passed through said gate or gates, to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Penalty for hindering travelers.

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

Proceedings when turnpike is not kept in repair

17. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, and complaint thereof in writing shall be made by three responsible persons in the county of Burlington to a judge of the court of common pleas of said county, who may be disinterested, the said judge shall then forthwith give notice to the president of said company, or to the keeper of the nearest gate or turnpike to the cause of complaint, setting forth the nature thereof, and that if the cause of complaint, if any, be not removed within five days after such notice is served, or the gate or gates shall not have been thrown open and free of toll, he will then appoint in writing, under his hand and seal, three reputable, discreet and disinterested persons, not of the township or townships where the cause of complaint arose, which three persons, or a majority of them, on due notice being given to the president or the keeper of the said nearest gate or turnpike, at least five days beforehand, shall meet at such time and place as the judge may appoint, and, having taken an oath to act impartially, shall proceed to view and examine the said turnpike road or bridge so complained of, and they, or a majority of them, shall report to the said judge in writing, under their hands and seals, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the turnpike road or bridge, the said judge shall immediately, in writing, under his hand and seal, order the keeper of said gate or turnpike to keep open the same until

otherwise ordered; and if the said keeper shall, notwithstanding the order of said judge to open the said gate or turnpike, exact toll of travelers, he shall for every such offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company, unless said report be in favor of the road, and also that there was not sufficient cause for said complaint, in which case it shall be borne by the complainants; and upon due proof being made before the said judge by the said company or their agents that said company have repaired said road or bridge in the particulars complained of, said judge shall forthwith by license, under his hand and seal, directed to the toll-gatherer aforesaid, permit the gates or turnpikes to be shut and the toll to be collected as before, and the same fees shall be allowed and paid as before directed.

Time for commencement and completion.

18. *And be it enacted*, That it shall and may be lawful for the said company, within one year from the date of the last subscription to one-third of the whole of the capital stock authorized at the time of the creation of the aforesaid body politic and corporate, in fact and in law, by the name of "The Burlington and Columbus Turnpike Company," to commence and complete the aforesaid "Burlington division" of the aforesaid turnpike road; and within one year from date of the last subscription to two-thirds of the whole of the capital stock authorized at the time of the creation of the aforesaid body politic and corporate, in fact and in law, by the name of "The Burlington and Columbus Turnpike Company," to commence and complete the aforesaid "centre division" of the aforesaid turnpike road; and within one year from the date of the last subscription to the whole of the capital stock authorized at the creation of the aforesaid body politic and corporate, in fact and in law, by the name of "The Burlington and Columbus Turnpike Company," to commence and complete the aforesaid "Columbus division" of the aforesaid turnpike road; and when any one of the divisions as aforesaid is completed, to erect and maintain thereon gates, and to collect toll according to rates established by this act.

19. *And be it enacted*, That nothing in this act shall be construed to affect the title of the owners to the lands over

which said road may pass, or from whence materials may have been taken for its construction; and said company shall not construct said turnpike road until the public road now running from Burlington city to Columbus, or such parts of said road as shall be used as aforesaid, be first vacated as a public highway according to law; and if said turnpike road be not commenced within three years from the passage of this act, then this charter shall be null and void; and after defraying all the expenses that may have been incurred, the residue of the moneys paid in shall be divided among the subscribers and their respective representatives in the proportion severally paid by them.

Limitation.

Approved April 2, 1869.

CHAPTER DLV.

An Act to incorporate the Elizabeth Equitable Life Insurance Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew W. Woodward, Henry R. Cannon, William A. Coursen, George E. Sibley, Augustus F. Ball, Eugene S. Doughty, John V. Veghte, John H. Whelan and Leon Abbett, and others, their associates, successors and assigns, shall be and hereby are ordained, constituted and declared to be a body politic and corporate, for the purpose of life insurance, and by the name of "The Elizabeth Equitable Life Insurance Company," to be located in the city of Elizabeth, in the county of Union, in this state, with power to establish branch offices and agencies at such places and for such periods of time as may seem advantageous or convenient to said corporation, and by that name to sue and be sued, to plead and be impleaded in all courts of justice, and to have and to use a common seal and to alter and change the same at pleasure, and also by that name shall be and hereby are empowered to purchase, hold and possess

Name.

and enjoy to themselves and their successors any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for its accommodation in the transaction of its business or such as shall have been mortgaged to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts, and all such real estate as shall not be necessary for the accommodation of said corporation in the convenient transaction of its business, except lands mortgaged as aforesaid shall be sold and disposed of within five years after the said corporation shall have acquired title to the same; and it shall not be lawful for the said corporation to hold such real estate for a longer period unless the said company shall procure a certificate from the clerk of the county in which said lands may be, that the interests of the company will suffer materially by a forced sale of real estate, in which event the time of the sale may be extended to such time, not exceeding six months, as the said clerk shall direct in such certificate. May purchase and hold real estate.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said association shall, while they continue so insured, be deemed and taken as members of the said corporation; and the property and concerns of the said corporation shall be conducted and managed by nine directors, a majority of whom shall be citizens and residents of this state, to be chosen by ballot by and from amongst the members, and shall hold their office for one year and until others are chosen, subject to the proviso hereafter in this section set forth regarding the first term of office of the directors named in the first section, and said directors may always be re-elected; and the election for directors shall be held on such day in every year and at such time and place as a majority of the first board of directors may previously designate, public notice of which shall be given by the secretary, in a newspaper published in the said city of Elizabeth, at least two weeks previous to the time of holding such election; and if any of the directors shall die, resign, refuse to serve or neglect for the space of two months to act in their said office, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies Election of directors.

Not dissolved by failure to elect

until the next annual election; and in case it shall happen that an election for directors should not be held on the day when pursuant to this act, it ought to be held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold an election for directors pursuant to law; *provided*, that no election for directors shall be held during the first five years following the passage of this act 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, and shall be the directors of this company during said five years for all purposes in this act mentioned

Proviso.

May make insurances on lives and against accidents.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurances predicated upon the lives of persons, and also to insure persons against non-fatal accidents, and on such terms and conditions as shall from time to time be ordered and provided for by the by-laws of said corporation.

Married woman may insure the life of her husband.

4. *And be it enacted*, That any married woman may in her own name or in the name of a third person, with his assent as her trustee, cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with said corporation; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms and conditions 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 any of his creditors; *provided*, the amount paid for such insurance shall not exceed the sum of five hundred dollars per annum; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her children for their use, and to their guardian if under age.

Proviso.

Powers of the directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the 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 and such other additional officers, clerks and servants for carrying on the business of said corporation as they may select,

with such compensation 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 the state of New Jersey.

President. 6. *And be it enacted*, That at the first meeting of the directors held after the organization of this company (which meeting shall be held within six weeks after the passage of this act, at a time and place set forth in a notice signed by a majority of the directors, and published in two of the newspapers printed in the city of Elizabeth aforesaid, which notice, also signed by the same directors, shall be deposited in the post office, directed to the other directors, respectively, at their respective places of residence, said publication and mailing being at least ten days before said time of meeting), such directors shall choose from amongst themselves one person for president of said company, who shall continue in office until the first annual meeting for the election of directors, held in accordance with the provisions of the second section of this act, and until another person shall be appointed in his place, and may also choose from amongst themselves another person for vice president, who shall preside in the absence of the president at all meetings, and hold office contemporaneously with the president, and at every annual meeting held after said first election for directors, there shall be chosen by the directors from amongst their number a president and vice president, who shall respectively hold office for one year and until other persons shall be chosen in their places.

Policies of insurance, how issued. 7. *And be it enacted*, That all certificates of membership or policies of insurance, which shall be made by the said company 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 from time to time be ordered and prescribed by the by-laws, rules and regulations of said corporation.

May make contracts. 8. *And be it enacted*, That it shall and may be lawful for the said corporation, and the borrowers and lenders of any money secured by mortgage on real estate, to enter into a contract or agreement whereby the borrower residing in the county of Union, shall pay any part or all of such national, state, county and city taxes as may be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements

are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state to the contrary notwithstanding.

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

Funds, how invested.

10. *And be it enacted*, That the funds received by said corporation in their business may be invested in bonds and mortgages on unincumbered real estate in the state of New Jersey, which real estate must be worth double the amount loaned thereon, or in bonds or stocks of the United States, of the state of Jersey, or of the incorporated cities thereof.

11. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, amend, modify or repeal this act.

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

Approved April 2, 1869.

CHAPTER DLVI.

An Act to incorporate the Elizabeth City Horse Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Green, Thomas B. Budd, James T. Wiley, Robert S. Green, James C. Blake, John H. Whelan, James R. English, and such other persons as may hereafter be associated with them,, shall be and are hereby made, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Elizabeth City Horse Railroad Company," and by that name shall be capable of purchasing, holding and conveying lands, tenements and real estate, goods and chattels, necessary or proper for the object of said corporation.

Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places in the city of Elizabeth, as they or a majority of them think proper, giving at least twenty days' notice of the same in one newspaper published in said city of Elizabeth, and at the time of subscribing, ten per centum of the value of each share subscribed shall be paid to the commissioners or one of them; and as soon as thirty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state and citizens thereof; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for the 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 any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred), to such director so elected; and annually after said first election of directors at a time and place to be fixed by the by-laws of said corporation, there shall be a meeting of the stockholders to choose seven directors, a majority of whom shall be citizens of this state, which election shall be conducted in accordance with the rules fixed by the by-laws of said corporation, and which directors shall hold their offices for one year after their being so chosen. Directors, how elected.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held upon the day when, pursuant to this act, it ought to be held, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, giving ten days' notice, in the manner provided by law, and the directors for the Failure to elect not to dissolve.

time being shall continue in office until others shall have been chosen in their place; and in case of the death, resignation or removal of any director during the year for which he may have been chosen, such vacancy may be filled by the remaining directors, or a majority of them.

Payment of installments.

5. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of said corporation, shall have power to call in the capital stock of said corporation, to be paid by such installments, and at such times, as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise, or, at their option, to sue for and recover the installments due and unpaid; to make such by-laws, rules and regulations as shall appear proper concerning the business of said corporation, and to appoint such officers, clerks and servants, and fix for them such salaries and wages as to them shall seem proper.

May lay out and construct a railroad, and route.

6. *And be it enacted*, That said corporation shall have power and authority to lay down and construct a railroad, with the necessary turnouts and switches, from some point in East Broad street, at or near its junction with Broad street, and along East Broad, Magnolia and Spring streets, Madison and Jefferson avenues and Neck lane; *provided*, that the right to construct said railroad through any of the streets or roads within the city of Elizabeth shall not vest in the said corporation until the consent of the city of Elizabeth shall be first had and obtained of the city council.

Proviso.

Width of track and manner of laying the same.

7. *And be it enacted*, That the track laid by said corporation shall be of the same width as the wagon track now established by law, and the same shall be laid in all streets within the limits of said city of Elizabeth, level with the surface of said streets, and in conformity with the grades thereof, which now are or hereafter may be established by the municipal authority of said city; and in all cases the rails of such track shall be so laid as to present no unnecessary obstructions to, or in any way interfere with, the wagons or other vehicles turning in or crossing said streets or roads through or over which said road or its turnouts or switches may be laid.

May purchase and hold real estate.

8. *And be it enacted*, That the said corporation may purchase, have and hold real estate at each terminus of said road and at such places, not exceeding two, along the line of said

road as they may desire, not however exceeding three acres at each place or twelve acres in the aggregate; and may erect and build thereon houses, depots, warehouses, stables, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation.

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

Rates of transportation, &c. 10. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or to have constructed with the funds of said corporation, all such machinery, cars, wagons or other vehicles for the transportation of persons or property on their railroad as they may think fit, expedient or right; and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; *provided, however*, that no steam power shall be used as a motive power upon said railroad, except that known as the dummy engine; and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad as they shall think reasonable and proper; *provided*, that not more than six cents shall be demanded or received for conveying any person from any point to another upon said railroad.

Proviso.

Proviso.

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

May borrow money. 12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof, by bond and mortgage or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

May make contracts. 13. *And be it enacted*, That it shall be lawful for said corporation at any time to make contracts and engagements

with any other corporation, or with individuals for operating said railroad for transporting or conveying any kind of goods, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and to demand and receive for such transportation by them carried over the road of any other company the same rate of fare and tolls as said corporation are entitled to receive by virtue of this act for transportation and passage over their road; and also to connect with any other railroad or railroads in said city of Elizabeth, now incorporated or hereafter to be incorporated upon such terms and conditions as may be agreed upon between them, and not inconsistent with their respective charters.

Company shall be subject to the charter and ordinances of the city of Elizabeth.

14. *And be it enacted*, That said company shall within the limits of the city of Elizabeth, in all things be subject to the provisions of the charter and ordinances of said city, now or hereafter to be in force; whenever any street or road in said city, occupied by said company with their tracks or turnouts shall be paved by order of the city council, the said company shall pay the cost and expense of paving between the rails of their tracks and turnouts, and three feet on the outer side of said rails, the said cost and expense to be assessed upon the said company as directed by the city charter for assessing the cost and expense of paving any street in said city, and the said assessment shall become a lien upon the property of said company within the said city, in the same manner that similar assessments are a lien upon real estate therein, and that whenever the said company shall occupy with their tracks or turnouts any street within said city, which before the time of said occupation had been paved, they shall pay to the said city such amount of the cost and expense of said pavement as may have been expended in paving between the rails of said tracks and turnouts and three feet on the outer side of said rails, and shall relay said pavement, and place the same in as good repair as the same was at the time of such occupation by them, the said money shall be paid by the said city to the persons owning property along said street at the time of said payment proportionately to the amount of the whole original cost and expenses of said pavement actually paid by the owners of said property; *and further*, that said company shall keep the pavement between their rails, and three feet on the outer side thereof in repair, at their own expense.

Free passes.

15. *And be it enacted*, That the governor, chancellor,

judges of the supreme court, the members and officers of the legislature, be entitled to ride free on said road.

16. *And be it enacted*, That it shall be competent for the legislature of this state to alter, amend or repeal this act, or any portion thereof.

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

Approved April 2, 1869.

CHAPTER DLVII.

An Act for the more certain discharge or cancellation of mortgages recorded in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any mortgage which has been recorded or registered, or that may hereafter be recorded or registered, shall be discharged upon the record thereof by the officer in whose custody it shall be, whenever there shall be presented to him a certificate signed by the mortgagee, his heirs, executors, administrators or assigns, acknowledged or proved and certified in the manner prescribed by the act entitled "An Act respecting conveyances," specifying that such mortgage has been paid, or otherwise satisfied and discharged. Cancellation of mortgages.

2. *And be it enacted*, That every such certificate and the proof or acknowledgment thereof shall be recorded at full length, and a reference made in the book and page containing such record in the minutes of the discharge of such mortgage, made by the officer upon the record thereof. Certificate recorded.

3. *And be it enacted*, That the said clerk or register shall be allowed for services done by virtue of this act the sum of fifty (50) cents, and no more. Fee.

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

Approved April 2, 1869.

CHAPTER DLVIII.

An Act for the working of roads in the township of Livingston, in the county of Essex.

Superintendent of roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of said township shall, at their next annual town meeting, and every two years thereafter, elect by a majority of said voters present, a superintendent of roads in said township, who shall be a freeholder in and a resident of the same, who shall hold his office for two years, and he shall have power, and it shall be his duty to divide said township into road districts, to annually appoint overseers of the same, and direct the times and places when and where work shall be done on said roads, and to inspect the same when in progress and when completed; and when not done by the taxpayers, as hereinafter mentioned, he shall draw orders on the township committee for the payment of said work, and they shall be authorized to pay the same out of any moneys collected for the roads in said township.

Legal voters shall determine amount of money to be raised for roads.

2. *And be it enacted*, That the legal voters of said township, at their annual town meeting, by a majority of legal voters present, shall vote for and determine the amount of money to be raised for the improvement, repairs and maintenance of the roads therein; and the same shall be assessed and collected in the same manner as other taxes are assessed and collected in said township, unless the person or party taxed shall elect to work out the same as hereinafter provided.

Tax payer may work out his tax under certain conditions.

3. *And be it enacted*, That if the taxpayer shall choose to work out said road tax, he or they shall give notice in writing to the said superintendent of such intention within at least twenty days after the said annual meeting; and one-half of the tax shall be worked out before the first day of July, and the remainder before the first day of October in each year; and the work shall be performed when required by the overseer of the district in which it is to be done, upon two days' previous notice, and under his immediate inspection, subject to the control and approval of the superintendent; and if the party so notified shall refuse or neglect to work out said tax

as aforesaid, the same shall be collected as other taxes may be collected; and when worked out, the superintendent shall give a receipt therefor, which shall be evidence to the collector of taxes of the payment of the same.

Superintendent to report annually.

4. *And be it enacted*, That the superintendent shall make report, under oath or affirmation, annually, to the township committee of all matters pertaining to his office, and showing particularly the amount received and expended by him and in what districts, and shall be entitled to receive and shall be paid for his services the sum of two dollars and fifty cents a day, but for not more than fifty days in each year.

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

Approved April 2, 1869.

CHAPTER DLIX.

A Further Supplement to "An Act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five.

Costs of paving streets, how assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for paving streets, one-third of the whole expense thereof shall be paid out of the city treasury, upon such terms as the mayor and common council shall in their judgment deem expedient, and the balance shall be assessed as now directed by the city charter, shall not in any one year exceed the sum of twenty thousand dollars.

Commissioners of assessment, how appointed.

2. *And be it enacted*, That so much of the fourteenth section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Hudson,'" approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved March twenty-fourth, eighteen hundred and sixty-four, as provides that the commissioners for assessments shall hold their offices for one year, be and the same is hereby repealed; and that it shall be lawful for the common council, at the expiration of the terms of office of

the present board of commissioners for assessments, to appoint a board of three commissioners for assessments, which said commissioners shall, within ten days after their appointment, in the presence of the mayor, president of the common council and city clerk, draw for the term of their respective offices, say one for the term of three years, one for the term of two years and one for the term of one year; and annually thereafter there shall be appointed by the common council one commissioner for assessments, to hold his office for the term of three years; and that in all respects, except only as to the term of office of the commissioners for assessments, the provisions of the said fourteenth section shall remain unchanged.

Terms of office &c.

Amendment.

3. *And be it enacted*, That the second section of the act approved April eleventh, eighteen hundred and sixty-seven, entitled "A further Supplement to an act entitled 'An Act to incorporate the city of Hudson,'" approved April eleventh, eighteen hundred and fifty-five, be and the same is hereby repealed.

Bay windows, &c., not allowed on new streets.

4. *And be it enacted*, That on all streets hereafter opened or laid out it shall not be lawful for the common council, by ordinance or otherwise, to authorize any encroachments of bay windows or other windows, cellar doors, areas, platforms, stoops or steps to be constructed or built.

Council may require owners of sunken lots to fill the same.

5. *And be it enacted*, That in addition to the powers of the common council as set forth in the thirty-second section of the act to which this is a supplement, the said common council may by resolution approved in the same manner as resolutions affecting the interests of the city are approved, cause notices to be served on the owner or owners, or their agents, of any lot or tract of land which may become covered with stagnant water or obnoxious matter or substance (whether the same shall be caused by the raising of streets or otherwise), or which may be unfenced, requiring him or them to fill or refill the said lot, or to fence the same within the space of a certain number of days, not less than ten, after service of a copy of such notice; and in case the owner or owners shall refuse or neglect so to do within the time aforesaid, to order by said resolution the same to be done under the direction of the committee on streets, and that the expense of such filling or refilling or fencing shall be assessed and collected in the same manner as of other improvements

Penalty for neglect.

provided for by the forty-second section of the charter or the supplements touching the same.

Publication of notice.

6. *And be it enacted*, That in case no owner or agent of any lot or tract of land mentioned in the preceding section can be found within the limits of said city to be served with the notice therein mentioned, it shall be lawful for the said common council to cause a copy of the resolution therein referred to, to be published in the corporation paper for the space of ten days, before proceeding to make such improvement, which publication shall be deemed and considered as good and sufficient notice as though the same had been served in the manner in said section recited.

Council shall have power to raise money on bonds.

7. *And be it enacted*, That so much of the thirty-third section of the act to which this a supplement as provides that there shall not be a greater sum than four thousand dollars raised by loan in any one year unless the repayment thereof shall be provided for from the taxes to be raised in said city in any such year, be and the same is hereby repealed; and that it shall be lawful for the mayor and common council to dispose of the city bonds at such times and in such manner as to them may seem advisable.

Amendment.

8. *And be it enacted*, That the fourth section of the act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Hudson'" approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved April eleventh, eighteen hundred and sixty-seven, be and the same is hereby amended by inserting immediately after the words "stone or iron or," the word "wood," and that the word "both" immediately following said words "stone or iron or," be stricken out.

Commissioners shall appoint clerk.

9. *And be it enacted*, That all that part of the ninth section of the act entitled "A Further Supplement to an act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved April third, eighteen hundred and sixty-eight, which provides "that the said commissioners shall nominate and the common council appoint a clerk," be and the same is hereby repealed; and that it shall be lawful for the said commissioners at their next annual meeting, and annually thereafter, to appoint a clerk, who shall receive such compensation as the said commissioners shall determine, subject to the approval of the common council.

Repealer.

10. *And be it enacted*, That the twelfth section of the said

act in the last section of this act mentioned, be and the same is hereby repealed.

Commissioners to regulate admittance into fire department.

11. *And be it enacted*, That it shall be the duty of said commissioners to inquire into the application for the organization of volunteer fire companies, and the result of such inquiry, whether in favor of or against such application, shall be conclusive; no volunteer fire companies shall be organized unless approved by said commissioners.

Repealer.

12. *And be it enacted*, That all that part of the twelfth section of the act entitled "A Further Supplement to 'An Act to incorporate the city of Hudson,'" approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved April third, eighteen hundred and sixty-eight, which reads as follows: "subject to the approval of the common council," be and the same is hereby repealed.

Repealer.

13. *And be it enacted*, That all that part of the eleventh section of the act in the last section of this act mentioned, which read as follows: "who shall thereupon return the same to the common council for their approval," be and the same is hereby repealed, and that the action of the said commissioners as [to] all matters in the said eleventh section contained shall be conclusive.

Fire department under control of the commissioners.

14. *And be it enacted*, That the said commissioners shall have power to regulate, govern and control the fire department, and prescribe the mode of the appointment and removal of its members.

Commissioners of appeal of fire department.

15. *And be it enacted*, That there shall be appointed at the time and in the manner hereinafter provided, commissioners of appeal, to be denominated "The Commissioners of Appeal of the City of Hudson Fire Department."

How appointed.

16. *And be it enacted*, That the said commissioners of appeal shall be resident and exempt firemen of the city of Hudson, and shall be appointed in the month of May, eighteen hundred and sixty-nine, and annually thereafter, in manner following: one by the common council of the city of Hudson, one by the board of officers of the active fire department, and one by the fire department commissioners, and in the case of a vacancy in the office of either or all of the said commissioners of appeal, either by death, removal or resignation, the vacancy or vacancies shall be filled within thirty days thereafter, and the person or persons appointed shall hold his or their office only for the balance of the unexpired term.

Duties.

17. *And be it enacted*, That it shall be the duty of the

said commissioners of appeal to review upon appeal all acts, decisions and judgments of the commissioners of the the city of Hudson fire department where the same are not made conclusive by law; *provided*, an appeal shall be taken to the said commissioners of appeal, within thirty days from the time such act, decision, or judgment was made or rendered. Proviso.

18. *And be it enacted*, That the provisions of the thirteenth, fourteenth and fifteenth sections of the act entitled "A further supplement to an act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved April third, eighteen hundred and sixty-eight, shall apply to the commissioners of appeal appointed by this act. Provisions of act extended.

19. *And be it enacted*, That section forty-fifth of the act to which this is a supplement, be amended to read "if the owners of any lands taken, who has filed a remonstrance against any such improvements, is dissatisfied with the value and damages reported by said commissioners, or if the owner of any lands assessed, who has filed a remonstrance against any assessment, is dissatisfied with such assessment, he may appeal from the said adjudication to the circuit court of the county of Hudson, which is hereby given jurisdiction to hear the said matter, and to cause a proper issue to be framed to try the question of compensation, and to have the same tried by jury, as an issue of the supreme court in a civil action is tried in the said court, and if the said jury shall find more than the aforesaid commissioners, the costs of said appeal shall be paid by the city, and if less, or the same, the costs of said appeal shall be paid by the owner; said appeal to be made to said circuit court at the term of court held next after the report of the said commissioners shall be approved by the common council, ten days' notice of such appeal to be given to the mayor and common council. Parties aggrieved may appeal.

20. *And be it enacted*, That in all cases of grading, filling up, altering the grade of, refilling, guttering and curbing, bridging, planking and paving streets, and of flagging sidewalks, and of filling and refilling sidewalks, and of repairing and resetting flagging in or on the sidewalks, and of repairing and resetting curb and gutters, and bridge stone and bridging, and of filling sunken lots, building wells, pumps, cisterns, drains and sewers, the surveyor having charge of said work shall be one of the city surveyors, and shall be City surveyor to take charge of the opening of new or repairs of old streets.

chosen by the common council to take charge of such work, and shall give bonds to one-half the estimated cost of said work for the faithful performance of his duty as such surveyor; said bond to be subject to the approval of the mayor and common council aforesaid; said bond to be and remain in full force and virtue until said work shall have been confirmed by the common council, and the time allowed by law for appealing to the courts shall have fully expired.

Council may compel owners to keep sidewalks in order.

21. *And be it enacted*, That the common council shall have power to pass an ordinance to compel the occupiers and owners of lots to keep the sidewalks and gutters opposite their lots clear of snow and ice, and in case the owner or owners of lots refuse and neglect to clean the sidewalks and gutters opposite their lots of snow and ice within the time required by such ordinance, then the common council through their proper officer may proceed to do the same, and the expenses thereof shall be assessed upon the real estate in front of which the particular work may be done in proportion to the amount expended in front of each particular lot or parcel of land, and such assessment shall be a lien upon the property assessed, and shall be levied, collected, and paid in the same manner as other assessments under the city charter.

Public park.

22. *And be it enacted*, That the common council shall have power to take such lands in the city of Hudson as they may judge necessary for a public square or park, upon paying to the owner or owners the fair value of the lands taken and of the improvements thereon, and the damage done to any district, lot or parcel, or tenement, by taking part of it for such purpose, and that the whole expense thereof shall be paid out of the city treasury, and that the provisions of the city charter and the supplements thereto for opening, altering or widening streets, so far as the same are practicable, shall apply to this act.

Public buildings.

23. *And be it enacted*, That the common council shall have power to construct, build and erect upon the said public square or park, such public buildings of the city as they may deem advisable.

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

Approved April 2, 1869.

CHAPTER DLX.

A Further Supplement to an act entitled "An Act to create the town of Newton, and the townships of Andover and Hampton, out of the township of Newton, in the county of Sussex," approved March tenth, eighteen hundred and sixty-four.

To prevent cattle from running at large, and may be impounded

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to allow any cattle, horses, mules, sheep, goats or swine to run at large in the streets or highways of the town of Newton; and that whenever any such cattle, horses, mules, sheep, goats or swine are found at large as aforesaid, it shall be lawful for any person to drive or convey any such beast to the keeper of the public pound of said town, who is hereby authorized and required to receive, safely keep, and properly feed and care for every such animal.

Fees.

2. *And be it enacted*, That any person driving and delivering to said pound-keeper any such cattle, horses, mules, sheep, goats or swine, shall be entitled to demand and receive from him twenty-five cents per head therefor, and the said pound-keeper shall be entitled to charge twenty-five cents per head for receiving into, and a like sum for discharging from his custody any such animal, and in addition thereto, compensation as follows for feeding and caring for such stock for every twenty-four hours it remains in his custody, viz: for every horse, mule or head of cattle, twenty-five cents; for every head of swine, fifteen cents; and for every sheep or goat, ten cents.

May sell cattle for fees

3. *And be it enacted*, That if the owner or owners of any such animals so impounded shall not pay all charges for impounding and keeping the same, and take the same away within four days, it shall then be the duty of the pound-keeper to set up advertisements in five of the most public places in said town, describing such horses, cattle, sheep or swine, and giving at least ten days notice of an intended day and place of sale; and if the owners or owner of such animals do not appear and redeem the same before the time so announced, the said pound-keeper shall sell the same accord-

ingly by public outcry to the highest bidder, for cash, and out of the money arising from such sale, shall retain and pay all charges for impounding and keeping said stock, and shall also be entitled to retain as his compensation for advertising and selling each animal, one dollar, the balance remaining in his hands after paying all charges as aforesaid, he shall pay over to the owner or owners of the beasts so sold, if they shall appear and claim the same; and if no owner or owners shall appear and claim such surplus within three months after such sale, the same shall be paid to the town committee of said town for the use thereof.

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

Approved April 2, 1869.

CHAPTER DLXI.

An Act to incorporate the Union Hall Association of Belleville.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Jackson, Hugh Holmes, G. DeWitt, William H. Webster, John Kennedy, Theodore Sanford, John T. Speer, Andrew Little, S. H. Terry, Richard B. Ferris, John W. Dow, Daniel M. Skinner and their associates, and all others who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of the "Union Hall Association of Belleville," and by that name shall have power to lease or purchase and hold real estate in Belleville, Essex county, and state of New Jersey, and erect thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts, exhibitions, and for other public uses, subject to the by-laws and regulations of said corporation.

Name and object.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have

power to raise by subscription a capital stock of five thousand dollars, with the liberty to increase the same hereafter whenever a majority of the directors of the said corporation shall so determine, to any sum not exceeding twenty thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five dollars each, and shall be transferred in such manner as the by laws of said corporation shall direct, and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders.

Commissioners to open books of subscription.

4. *And be it enacted*, That the said William Jackson, Hugh Holmes, G. DeWitt, William H. Webster, John Kennedy, Theodore Sanford, John T. Speer, Andrew Little, S. H. Terry, Richard B. Ferris, John W. Dow and Daniel M. Skinner, shall be, and are hereby appointed commissioners to open the books and receive subscriptions of stock in said corporation, and shall meet for that purpose in the village of Belleville, after giving due notice of the time and place of such meeting, and the said William Jackson, Hugh Holmes, G. DeWitt, William H. Webster, John Kennedy, Theodore Sanford, John T. Speer, Andrew Little, S. H. Terry, Richard B. Ferris, John W. Dow and Daniel M. Skinner, shall be, and are hereby appointed the first board of directors for said corporation, to hold their office one year from the time of organizing the same, and until others shall be elected by the stockholders to fill their places.

Directors, how elected.

5. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall direct, and shall not be less than five in number, and shall with all other officers of said corporation hold their offices until others are elected and duly qualified in their stead.

No part of capital to be withdrawn.

6. *And be it enacted*, That no part of said capital stock at any time or in any manner, or under any pretence whatever, shall be withdrawn from the legitimate business of said corporation, or refunded to the stockholders, until all debts and liabilities of said corporation are duly paid.

Debts.

7. *And be it enacted*, That the whole amount of debts which the said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for and paid in.

8. *And be it enacted*, That annually in the month of Jan-

Annual report to be made.

uary the directors shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against such corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, which with said statement shall be verified by the affidavit of the directors, and no dividends shall be paid to the stockholders except only from and out of the surplus profits arising from the business of the corporation.

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

Approved April 2, 1869.

CHAPTER DLXII.

An Act for the relief of James Bennett.

Restoration to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bennett, of Burlington county, be and is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved April 2, 1869.

CHAPTER DLXIII.

A Supplement to an act entitled "An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourth, eighteen hundred and sixty-six.

Restraining commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under and by virtue of the act to which this is a supplement, and the several supplements thereto, shall not have power to make any further improvements or contracts for improvements on the said low lands lying in the city of Hoboken and the township of Weehawken.

Commissioners to close up business.

2. *And be it enacted*, That said commissioners shall proceed to settle up the business and affairs of said commissioners and shall complete such settlement on or before the first day of January, eighteen hundred and seventy.

Make a report to council.

3. *And be it enacted*, That it shall be the duty of said commissioners to make a report in writing to the council of the city of Hoboken showing what work has been done by said commissioners, the cost thereof, also of all moneys received by said commissioners, and how the same has been expended, also showing the indebtedness of said commissioners and to whom they are indebted, which report shall be filed with the city clerk of the city of Hoboken in his office on or before the first day of May next after the passage of this act.

4. *And be it enacted*, That said commissioners shall not have power to do any act or thing except to settle up the affairs of said commissioners pursuant to the act to which this is a supplement.

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

Approved April 2, 1869.

CHAPTER DLXIV.

An Act to incorporate the Hudson County Meadow Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Leon Abbett, Andrew Leicht, Timothy Foley, George P. Schinzel, Joseph Thomas, William Hexamer, Elbridge V. S. Besson, and their associates and successors, be and they are hereby created a body politic and

Name.

corporate, by the name of "The Hudson County Meadow Improvement Company," for the purpose of filling and improving the low lands and meadows in the county of Hudson, and for that purpose may enter into contracts with private parties, companies or corporations, and may purchase, hold, sell, convey, mortgage, lease or otherwise hold or possess such real and personal property as may be needful and proper for the carrying on of said business; *provided*, that nothing in this act shall be construed as granting the lands of the state lying under water to said corporation.

Place of business, &c.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Hudson and may establish their principal office at such point in this state as they shall deem proper, and may change the location of their office from time to time as the directors thereof may deem best for the interest of said company.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said shares and all other shares of stock issued by said company shall be deemed to be personal property and to be transferable in such manner as shall be prescribed from time to time by the by-laws of said company; and that the said company may increase their capital stock from time to time and may issue shares accordingly.

General powers.

4. *And be it enacted*, That it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real, personal or leasehold property that may be purchased or leased by them; and that books of subscription to said capital stock may be opened under the di-

rection of the board of directors herein named, or some one of them to be designated for that purpose by the board, and at such time and place or places as the board may appoint, and shares or certificates of shares may be issued accordingly to the subscribers, when paid for in full; and when certificates to the amount of thirty thousand dollars shall have been issued in accordance with the provisions of this act, then it shall be lawful for said company to commence and carry on their business.

5. *And be it enacted*, That it shall be lawful for said company to receive full paid up shares, for such amounts as they represent, as payments for contracts executed by the said company, and such shares or certificates returned as payment shall be cancelled from the books of the company.

Election of directors.

6. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three nor more than eleven in number, as said by-laws shall from time to time establish, of whom a majority shall be residents of this state, that said board shall organize by appointing such officers of their number as they deem necessary, and may also appoint such other officers and agents and fix their duties and compensation as they may deem necessary; and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until others are elected in their stead.

Payment of installments.

7. *And be it enacted*, That the directors of said company shall be chosen at such time and places and on such notice as said by-laws may fix, that all elections shall be by ballot, and that each full paid up share of stock shall be entitled to one vote, which votes may be given in person or by proxy, and if at any time, for any cause, it shall happen that no election shall be held, the directors for the time being shall continue in office until an election be regularly held, according to the requirements of the by-laws in that behalf, or of this act, and that any vacancy in the board hereby appointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or the majority of the same; and that in any election of directors the person having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

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

Powers of the directors.

of directors, or a majority of them, from time to time to demand from the subscribers for the shares all sums of money subscribed to said shares, in such proportions and at such times as they may deem proper; and if such payments shall not be made within thirty days after the day fixed for that purpose, fifteen days' notice of the time and place of such payment being first published in one or more of the newapapers in the county of Hudson, where said company's principal office is located, or if the time and place of such payments is mentioned on the certificates of shares, such board may declare forfeited to said company all installments paid on such subscription, and all right to the shares or certificates so subscribed for.

9. *And be it enacted*, That a majority of the directors from time to time shall form a board for transacting the business of the company, and may make such by-laws, rules and regulations as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said company, not contrary to the constitution and laws of this state or of the United States, and that no transfer of stock or certificates of shares shall be valid until the same be entered in the book or books kept by said company for that purpose.

May enter into contracts with railroad companies.

10. *And be it enacted*, That this corporation may enter into any contract with any railroad company or companies in this state for the use of their road or roads, for the purpose of transporting materials or for any other purpose, and that

Proviso.

any such agreement shall be lawful; *provided*, that it shall not be contrary to the constitution and laws of this state, or the United States.

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully injure any work done by this company, or anything appertaining to the said work, or obstruct the same, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding three hundred dollars, or imprisonment not exceeding

Proviso.

two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

How dissolved

12. *And be it enacted*, That this incorporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days notice of such

meeting in one or more newspapers published in said county, at least once in each week during said week; *provided*, three-fourths in value of the stockholders be present and represented therein, and more than one-half in value of the stockholders shall vote in favor of the dissolution; the directors for the time being shall be trustees for settling the affairs of the company, for selling the personal and real estate of the company, and paying its debts and liabilities, and dividing the surplus among the stockholders according to their respective interest therein. Proviso.

13. *And be it enacted*, That this act shall continue in force until the company may dissolve, and may be altered or amended by the legislature whenever the public good may require it.

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

Approved April 2, 1869.

CHAPTER DLXV.

An Act to consolidate and make into one city, to be called Jersey City, the cities of Jersey City, Hudson City, Hoboken and Bergen, the town of Union and the townships of North Bergen, Union, West Hoboken, Greenville, Bayonne and Weehawken, and part of the township of Kearney.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Jersey City shall hereafter consist of all the territory included within the boundaries described in a schedule hereinafter contained marked A.

SCHEDULE A.

Beginning at the boundary line separating the state of New Jersey from the state of New York, on the southwest corner of the county of Hudson, and running thence northerly through the middle of Newark bay to the Passaic river, thence Boundaries.

northerly through said river to the Newark plank road, thence northerly in a straight line to a point one thousand feet west of the mouth of Saw Mill creek, thence easterly to the middle of the Hackensack river, thence northerly through the center of said river to Bergen county, thence easterly along the line dividing the counties of Hudson and Bergen to the Hudson river, thence southerly along said river to New York bay, thence southerly along said bay to the Kill Von Kull, thence along said Kill Von Kull to the place of beginning;

Proviso

provided, that nothing in this act contained shall be construed to incorporate as a part of said city any of that part therein contained lying west of the center of the Hackensack river.

Name.

2. *And be it enacted*, That all citizens of the state who now are or hereafter may be inhabitants within said limits shall be and are hereby constituted a body politic and corporate by the name of "The Mayor and Common Council of Jersey City," with all the powers incident to a municipal corporation, and necessary for the purpose of carrying out the objects of this act.

Wards.

3. *And be it enacted*, That the said city shall be divided into wards, the wards as divided in the cities hereby consolidated to remain as before the passage of this act; and the town and each of the townships named in the title of this act shall be and is hereby declared to be a ward.

OF THE OFFICERS OF THE CITY, THEIR SELECTION, DUTIES, AND TERM OF OFFICE.

Charter officers.

4. *And be it enacted*, That the city officers shall consist of a mayor, a treasurer, a comptroller, a clerk of the city, three overseers of the poor, a chief engineer of the fire department, a school superintendent, a street commissioner, two or more city surveyors, one assessor for each ward, a collector of revenue, and a recorder; the mayor, recorder, school superintendent, [and] assessors shall be elected at the next charter election after the passage of this act, the mayor and school superintendent for the term of two years, the recorder for the term of five years, the assessor for the term of three years, and the city clerk, treasurer and comptroller, overseers of the poor, street commissioner, collector of revenue, city surveyors, so many surveyors of highways and pound masters as the common council shall determine from time to time by ordi-

nance, and such other officers as are hereinafter provided for shall be appointed by the common council, a majority of whom shall be necessary to a choice; the chief engineer of the fire department shall be elected every two years by the members of said department, subject to the approval of the common council; that the ward officers shall be for each ward, three judges of election, two aldermen, and one constable, (unless the common council shall determine by resolution passed two months before the election that more than one constable for each or any ward shall be elected, and in case of the passage of such resolution, as many constables as shall be so determined upon shall be elected accordingly for any such or each ward according to such resolution), one chosen freeholder, a clerk who shall be the clerk of election, and shall perform all the other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for by this charter; and so many surveyors of highways and pound masters, to be selected from such parts of the city as the said common council shall determine from time to time by resolution, and one commissioner of appeal from each ward of said city shall be appointed by said common council; and each ward, for general purposes not provided by this act, shall be considered a township; and each of the assessors shall in the meeting of the county assessors have the same voice as the assessor of any township in the county. Ward officers.

5. *And be it enacted*, That the city election shall be held on the second Tuesday in April in each year, at such place in each ward as the common council shall designate; the election shall be held and conducted by the judges of election and clerk of election, at the same hour, in the same manner, and under the same regulations in all things as prescribed by law for the state elections for members of the legislature, except that the return of the election shall be made to the city clerk within seventy-two hours after the closing of the polls, which return shall be a full, true and correct copy of the original statement of the result of such election made by said judges, and shall be signed by them with their own hands and attested by the clerk; and the city clerk shall, when he receives said return, immediately file the same in his office as an official paper. City election.

6. *And be it enacted*, That every person who would, by the existing laws of this state, be entitled to vote at an elec- Qualifications of voters.

tion for members of the legislature if held on that day, shall be entitled to vote at the charter election, and every person voting shall vote in the ward where he shall actually reside, and in no other.

Greatest number of votes to elect.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city for any city office, and of the votes given in each ward, respectively, for an office in that ward, shall be elected to that office.

Board of canvassers.

8. *And be it enacted*, That the judges of election in each ward in every such election shall appoint one of their number to attend the meeting of the board of city canvassers, hereinafter provided for, as a member thereof, and shall deliver to the judge who shall be so appointed, the original statement of the result of such election in such ward, which shall be certified as herein before directed; and it shall be the duty of the judges of election who shall have been so appointed to attend the meeting of the board of city canvassers for such election as members thereof; that the judges of election, to whom the original statements of the result of such election in the wards to which they respectively belong shall have been delivered as directed in the preceding section of this act, together with the members of the common council whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers; a majority of said board shall be a quorum, and the city clerk shall be clerk of said board; that such board shall meet on the Saturday next after such election, at five o'clock in the afternoon of that day, at the common council chamber in said city; and at that hour, without delay, the members of said board who shall be then present, if more than six in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form:

Oath.

"I do swear (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers according to law;" and thereupon one of the members of said board shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of said board; and if the city clerk shall be absent at such

meeting at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered as hereinbefore directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully execute the duties of a clerk of this board according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them respectively as hereinbefore directed, and lay the same before such board, and from them the said board shall proceed to ascertain the number of votes given at such election for the several persons voted thereat for the several offices mentioned in such statements. Oath.

9. *And be it enacted*, That if any of the judges who shall have been appointed to attend the meeting of the board of city canvassers as a member thereof shall be unable to attend such meeting on the day appointed therefor, he shall at or before the hour of five o'clock in the afternoon of that day, deliver or safely transmit to the city clerk the original statements of the result of the election, which shall have been delivered to him as hereinbefore directed; and if from any cause such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of the said board, the city clerk shall produce and lay before the said board the certified copy thereof filed in his office; and thereupon the said board shall proceed to make their statement and declaration from such certified copy in the same manner and with the same effect as if the original statement had been produced by the judge of election to whom the same was delivered. Duties of judge who is unable to attend.

10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for the said city and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each. Written statement by the board.

11. *And be it enacted*, That upon such statement the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more Board shall determine who are chosen.

persons shall have received an equal number of votes for the same office, the city council shall determine between them; the statement and final determination of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

Clerk shall keep minutes.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same with the statement and declaration of the board in the book of minutes of the common council; said statement and declaration shall, within one week thereafter, be published in two or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons shall have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected.

General and state elections

13. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Hudson, and for members of congress, and electors of president and vice president of the United States, or for any other officers of the general or state governments, or officers of the said county of Hudson to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the common council for holding the city elections on the day or days which now are or hereafter may be designated for holding such elections; the polls shall be opened at seven o'clock in the forenoon and closed at seven o'clock in the afternoon, and the judges of election, before mentioned, shall preside at and conduct all such elections, and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city entitled to a vote at such elections shall give his vote in the ward wherein he actually resides at the time of such election and not elsewhere; and in case any person, at any election whatever held in said city, shall fraudulently vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

14. *And be it enacted*, That the said judges of elections shall take the same oaths, and conduct such elections, and make returns thereof in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of the said wards respectively shall procure election boxes for the use of their wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes and keeping the same in repair. Returns of election.

15. *And be it enacted*, That the mayor shall be elected every two years, and no person shall be eligible to that office unless he shall have resided in the city at least two years and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any police officer for cause, to be assigned to the common council in writing; in case of his absence from the city or his inability to perform the duties of his office, the president of the common council shall, during the continuance of such absence or inability be vested with the powers and execute the duties of the mayor. Mayor, his duties.

16. *And be it enacted*, That the recorder shall have all powers in criminal matters that justices of the peace in and Recorder.

for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process any person guilty, or that he may have reason to believe guilty, of any [crime] or misdemeanor in breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance.

Powers of the recorder.

17. *And be it enacted*, That the recorder of said city be and he is hereby empowered on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue process, either in the nature of a summons or a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than ten entire days; that such process shall state what ordinance, by the defendant or defendants named therein, has or have been violated, and in what manner the same has been violated; and that in the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants.

Further powers.

18. *And be it enacted*, That the said recorder shall be further empowered to inflict such fines, not exceeding the sum of ten dollars, on such persons as shall be brought before him, and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, or in his discretion to order such persons committed to the county jail or workhouse for

Proviso.

any period not exceeding sixty days; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trials of small causes, and also an appeal as in all cases where an appeal may now be had from judgment in

Proviso.

courts for the trial of small causes; *and provided also*, that in such cases an appeal may be made to the common council for a remission of any penalty that may be inflicted or adjudged.

19. *And be it enacted*, That the recorder of said city, in

addition to the powers heretofore conferred upon him, be and is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances of said city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence within the jurisdiction of the said recorder, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in the said workhouse, and to conform to the rules and laws of the same; *provided however*, that such person will not be sent to said workhouse to be confined there for a longer time than ten days for any offence. Further powers. Proviso.

20. *And be it enacted*, That the officers empowered to serve any warrant issued by the recorder shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court for trial of small causes are returned; and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizances as near as may be in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process, or any proceeding to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto the mayor and common council of Jersey City, for his appearance on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in courts for the trial of small causes. Policemen.

21. *And be it enacted*, That the publication of all ordinances by the mayor and common council in at least two newspapers, as hereinafter provided, shall, in all cases arising before the recorder in proceedings to recover penalties, presume to have been made until the contrary is proven. Publication of ordinances presumed.

22. *And be it enacted*, That the policemen of the city shall have the same powers in criminal matters within the limits of the city as constables of the several wards possess, and that they are hereby empowered to convey to and from the county jail or county workhouse all prisoners who may be Powers of policemen.

ordered so conveyed by the recorder of said city or any justice of the peace; *provided*, that said policemen shall be entitled to receive no fees for services performed under this section, other than the compensation awarded to them as policemen of the city.

Proviso.

Fees per folio

23. *And be it enacted*, That in all cases in which persons shall bring certioraries to remove the order, proceedings or judgment given or made by the recorder of Jersey City, it shall be lawful for the said recorder to charge and receive before the delivery of the return thereto, at the rate of ten cents per folio for the same.

Proceedings on certiorari.

24. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceedings or judgment to be had or made by the recorder of the city, unless the party applying for such certiorari shall enter into bond with the mayor and common council of Jersey City in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings or judgment given or made by the said recorder; which said bond shall be tendered to the said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of said mayor and common council, and on failure thereof, no certiorari shall be allowed.

Costs.

25. *And be it enacted*, That if any proceedings of the said recorder shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the said supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to any costs.

26. *And be it enacted*, That the provisions of the last three preceding sections shall extend to the circuit court of the county of Hudson.

Penalty for failing to deliver over to his successor property, &c.

27. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the common council shall allow, deliver over to his successor in office all the property, books and

papers belonging to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Every officer must take an oath.

28. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same, an oath, faithfully, fairly and impartially to execute the duties of his office, according to the best of his knowledge, skill or ability, and file the same in the office of the city clerk; and if [any] person shall neglect to take such oath for twenty days after receiving notice of his election or appointment, or shall neglect within the said twenty days to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any vacancy shall occur in any of the offices in which by this act the common council may [make] appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Treasurer, and his duties.

29. *And be it enacted*, That the treasurer shall receive, safely keep and disburse, under the direction of the common council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the common council shall direct; no money shall be paid out of the treasury except by warrant signed by the mayor or acting mayor and countersigned by the city clerk, except for the payment of bonds of the city, and certificates of indebtedness for improvements, given by the city, and interest on the same; and money paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer by said officers except in pursuance of an order of the common council, passed at a stated meeting of the board and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he shall deliver any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called the war-

rant book, opposite to said warrant, the number, date and amount of the same; the date of the order or resolution authorizing it to be drawn; the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book at the end of the said marginal entry for the said warrant.

City clerk, and his duties.

30. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers and documents of the city, except when the common council shall by ordinance otherwise direct; countersign all licenses signed by the mayor and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common counil in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

Overseer of poor and superintendent of schools.

31. *And be it enacted*, That the overseer of the poor and superintendent of schools shall respectively perform such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties and receive such compensation as the common council shall by ordinance direct and award.

Commissioners of appeal.

32. *And be it enacted*, That the commissioners of appeal shall have the same powers, and perform the same duties, and be entitled to like compensation that commissioners of appeals in the several townships of the state now have, or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing when offered by him relative thereto; the city sur-

veyors, street commissioners, chief engineer of the fire department and marshal shall respectively perform such duties and receive such compensation as the common council shall by ordinance direct and award.

Members of council may arrest offenders.

33. *And be it enacted*, That every member of the common council shall have the power, and it shall be his duty without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state, or ordinance of the city for the preservation thereof, or of good order or morality, and to bring, or cause such persons to be brought, before the recorder or some other magistrate, to be dealt with according to law.

Official terms.

34. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term.

35. *And be it enacted*, That the official term of the city officers who shall be appointed by virtue of this act shall commence on the second Monday in May in every year, and they shall continue in office until the end of their term, and until others are qualified and appointed in their place, unless removed as herein provided.

Certain officers shall give bonds.

36. *And be it enacted*, That the city treasurer, city clerk, collector of revenue, and such other officers as the common council may require, shall before they enter on duties of their office, give bonds to the city, in its corporate name, in such sums and with such securities as the common council may approve for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with sureties, to be approved of by the common council.

Justices of the peace.

37. *And be it enacted*, That for the election of justices of the peace each ward shall be considered as a township, and until the next census each ward shall be entitled to two justices only.

Fines.

38. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

Legislative power.

39. *And be it enacted*, That the legislative powers of the said corporation shall be vested in a mayor and a board of aldermen; the board of aldermen shall constitute and be called the common council.

Board of aldermen.

40. *And be it enacted*, That the board of aldermen shall consist of the aldermen elected from each ward; and every alderman shall at the time of his election be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

Their election, term of office, &c.

41. *And be it enacted*, That the aldermen who may be elected at the charter election in the spring of eighteen hundred and sixty-nine, in all the said cities, shall continue in office until the expiration of their terms for which they were elected; and that at the charter election to be held in the spring of eighteen hundred and seventy, so many aldermen shall be elected, not exceeding two from each ward, to serve in place of those whose terms shall have expired in the spring of eighteen hundred and seventy; and if more than one is elected in any ward, the board of aldermen shall, at their first meeting in May, eighteen hundred and seventy, divide the said new aldermen so elected, by lot into two equal classes, one of which shall go out of office at the expiration of one year, and the other at the expiration of two years; and that on the second Tuesday of April, eighteen hundred and seventy-one, and every year thereafter, the qualified voters of said wards shall elect one person as alderman of said ward, or as soon thereafter as the term of any alderman shall expire, who shall hold said office thereafter for the term of two years.

In case of removal office to be vacant.

42. *And be it enacted*, That in case any alderman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman; any alderman may also resign his office at any time by filing written notice thereof with the clerk of the board, and the common council shall have power to direct a special election to supply the vacancy that may occur, but the person so elected shall hold his office only for the residue of the term so vacated.

Quorum.

43. *And be it enacted*, That a majority of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

President, how chosen.

44. *And be it enacted*, That the common council shall annually elect a president from its own body, and if after five ballotings the president is not elected, then a vote by ballot

shall be taken between the two persons only having the highest number of votes on the last ballot, and the one having the most votes on that ballot shall be president, and in his absence a president for the time being shall be by them chosen in the same manner, choose officers, appoint its time and place of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may expel a member for disorderly conduct or a violation of the rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months, but no expulsion shall take place except by vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

Ordinances must be approved.

45. *And be it enacted*, That every ordinance of the common council and every resolution of the common council affecting the interests of the city shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the said board shall at its first regular meeting thereafter order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same; and if two-thirds of all the members shall then pass the same it shall take effect as a law, but in every such case the votes shall be taken by ayes and noes, and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid shall be published for the space of twenty days in at least two newspapers published or circulated in said city before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said common council unless the same shall have been introduced before the common council at a previous stated meeting, by at least a majority of all the members of the common council.

Proviso.

Proviso.

Shall publish annually a full statement of receipts and expenditures.

46. *And be it enacted*, That the common council shall at least once a year, and not more than thirty nor less twenty days before the annual city election publish in such of the

newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the object for which the same were made and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same or other city indebtedness has been repaid and by what means; the statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Stated meetings.

47. *And be it enacted*, That the common council shall hold stated meetings at least once in each month, at such time and place as they may appoint; but the mayor, or in his absence, any three aldermen may call special meetings by notice to each of the members of said council, served personally or left at his usual place of abode.

Resignations.

48. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the common council; the common council may fill vacancies in any office provided for by this act for the remainder of the current civil year, excepting in the case of justices of the peace or aldermen.

Officers may be removed for cause.

49. *And be it enacted*, That any officer except the mayor may be removed from office for cause, by the resolution of the common council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the common council.

Proviso.

Members of council cannot hold any paid office or be interested in city contracts.

50. *And be it enacted*, That no member of the common council or other officer of the city, whether elected or appointed, shall, during the period for which he was elected, be

appointed to or be competent to hold any other office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or sale of any article, the expense, price, or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of said common council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessment, or become security for any officer appointed by said common council, or for any contractor under the city government.

Council may compel attendance of witnesses.

51. *And be it enacted*, That the common council shall have power to compel the attendance of witnesses to testify before them, and before the standing and special committees of said common council, and to send for persons and papers to be used in evidence in all investigations lawfully to be had before said common council and any of the said committees; that whenever any person shall be required to give evidence before the said common council, or any of the committees thereof, if it shall be necessary to send for any papers to be used before said board, or any of its committees, a subpœna shall be issued by the clerk of said common council in the name of the state of New Jersey, under the seal of the board, to be signed by said clerk, and attested in the name of the president of said board, directed to such witness or witnesses, or person or persons, demanding him, her, or them to appear before said common council, or such committee, at a time or place to be named therein, to give evidence before said board or such committee in the matter that may be under investigation; and if any person to whom such subpœna may be directed shall have in his or her possession any paper which may be required by said board or committee, such person may be required to produce said papers before said board or committee upon being legally served with a subpœna and ticket, issued as hereinbefore provided.

POWERS OF THE COMMON COUNCIL.

Powers of council.

52. *And be it enacted*, That the said common council shall have power to pass, alter and repeal ordinances, to take effect within said city, for the following purposes:

To control the finances.

I. To manage, regulate, control and protect the finances

and property of the city, and for the building, erecting and maintaining a city hall, school houses, engine houses and workhouses, and such other buildings as may be necessary for the objects of this charter;

To establish fire department.

II. To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment; to provide fire engines, apparatus and houses therefor, and for the purpose of guarding against fire, and providing for the safety of firemen; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, flues, pipes and all other matters connected therewith, and the keeping of lights in stables, and the manufacture or keeping kerosene oil or other oil, camphene or spirit gas, nitro-glycerine, gunpowder, fireworks, and other dangerous, explosive or combustible materials; and to raze or demolish any building or erection, or any part thereof which may be deemed unsafe or dangerous to the public, in the opinion of the mayor or committee on streets, after reasonable notice thereof to the owner or occupants of such unsafe or dangerous condition; and to pass alter and repeal such other ordinances for the peace and good order of the city, or the comfort or protection of the citizens, as they may deem expedient, and impose penalties for the violation thereof in the manner as hereinafter provided; and to provide water for extinguishing fires; to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings;

To light the streets

III. To provide lamps for, and light the streets, wharves, docks and piers, and public squares of the city;

To lay out and open streets, &c.

IV. To make, lay out and open all streets, squares and public grounds, upon all and every part of said premises, and to establish such as have already been laid out; to grade, repair and remove all obstructions in all streets, public grounds and public squares, and to widen or alter the grade, refill, gutter, curb, widen, repave, open, bridge, re-bridge and repair, any street or avenue, and for planting and protecting shade trees, and from time to time to regulate the same, and to regulate and govern the leveling, pitching and constructing of the said streets, and the raising and the leveling of all lots and grounds for buildings as well public as private; to ascertain and establish the boundaries of all streets and

public alleys in said city, and to prevent and remove all encroachments, encumbrances and nuisances in or upon the same, and may, by resolution, approved in the same manner as resolutions affecting the interests of the city are approved, cause notices to be served on the owner or owners or their agents of any lot or tract of land which may become covered with stagnant water or obnoxious matter or substance (whether the same shall be caused by the raising of streets or otherwise), or which may be unfenced, requiring him or them to fill or refill the said lot or to fence the same, within the space of a certain number of days, not less than ten, after service of a copy of such notice; and in case the owner or owners shall refuse or neglect so to do within the time aforesaid to order by said resolution the same to be done under the direction of committee on streets, and that the expenses of such filling or refilling or fencing shall be assessed and collected in the same manner as for improvements in opening, altering, repairing, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and repairing streets, as hereinafter provided for;

To pave streets.

V. To pave with Belgian, Nicholson, Wood or other similar pavement, any street, and to macadamize, gravel, curb and gutter the streets; *provided*, that the street so paved with Belgian, Nicholson, Wood, or other similar pavement shall not have been paved before such Belgian, Nicholson, Wood or other similar pavement shall be laid, one-third part of the expense of the Belgian, Nicholson, Wood or other similar paving material shall be paid out of the city treasury, and if the street shall have been paved before such Belgian, Nicholson, Wood or other similar pavement shall be laid, one-half of the expense of such Belgian, Nicholson, Wood, or other similar paving material shall be paid out of the city treasury; and such amounts for said proportion of Belgian, Nicholson, Wood or other similar paving material shall be deducted from the assessment imposed on the property by the board of commissioners; *provided*, that in case one-half of the owners of land bounded by the street, or part of a street so to be improved with Belgian, Nicholson, Wood or other similar pavement shall, within two weeks after presentation of the application for such improvement to the common council, file with the city clerk a remonstrance signed by them against the same, said common council shall proceed no further with such improvement;

Proviso.

Proviso.

To repair sidewalks.

VI. To repair the sidewalks and flag the same or any part of them or any part thereof; to reset the curbs and gutters in the streets; to compel the owners of lots to curb and flag the sidewalks opposite their lots, and to keep the same and the gutter swept and clean, and clear of snow and ice and other impediments;

To prevent cattle running at large.

VII. To prevent horses, cattle, sheep, swine, goats, ducks and geese from running at large in the streets, and to provide for the impounding and sale of the same;

To prevent immoderate driving.

VIII. To prevent immoderate, dangerous or reckless driving in the streets, and riding or driving over or upon the sidewalks, and to regulate the speed and running of locomotive engines and railroad cars through said city;

To make assessment map.

IX. To make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements;

To make a g neral plan of sewerage.

X. To make and adopt a general plan of sewerage and drainage for said city or any part or parts thereof, comformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be constructed, and to alter and vary the same.

To regulate interments.

XI. To regulate or prohibit interments within the city, and bathing within adjacent water; the exhibition of shows, caravans, circuses, or all other like matters; the firing of guns, fire-crackers or other fireworks in said city;

To regulate docks, piers, &c.

XII. To order and regulate the building of all docks, piers and wharves in and about said city, and to regulate said docks, wharves and piers, and the use thereof when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and the United States, as to them may appear proper and necessary; and to order and direct that all lands under water between high water mark and the place where such dock, wharf or pier may be built or extended, and for such width as they may deem advisable, shall be filled in by the owner of such dock, wharf or pier, or of the shore right from whence such dock, wharf or pier or filling up may be directed; and in case more land is thus filled in than may be necessary for the use of said wharf as a wharf or dock, lay out proper streets upon the same; and the residue thereof not wanted for wharves or streets may be appropriated to his own use and sold by the owner of such shore or dock so directed to construct or extend said dock, and to fill up said lands upon his complying with such directions; but the parts re-

served for public streets and a wharf shall be held by such person or his assignor for such purposes only; *provided*, that the improvements contemplated by this paragraph shall not be made without the consent of a majority in interest of the owners of the shore in front of which the proposed improvement is to be made; *and provided also*, that the shore owner shall not prevent improvement by the owners, with the consent of the common council, of any lands heretofore granted by this state; Proviso.

XIII. To declare by general law, what shall be considered nuisances in lots, streets, docks, wharves and piers, and to direct, provide for and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, sidewalks, docks, wharves and piers; To remove nuisances.

XIV. To provide health laws and establish a board of health, and to enact all such ordinances as they may deem necessary to protect the health of the city; To establish board of health.

XV. To establish a board of education, and to provide for their appointment; to define their powers and duties; to order and regulate public schools and everything appertaining thereto in such manner as they shall deem expedient, not contrary to the laws of this state; to expend and appropriate such portion of the state school fund as shall be apportioned to Jersey City, or the wards composing the same, in the same manner as the city taxes for the support of public schools are expended; To establish board of education.

XVI. To maintain, regulate and control a hospital within the limits of said city, and to make such contracts and agreements relative to the receiving of patients, and relative to the compensation to be paid by such patients or others willing to indemnify the said city by reason of receiving such patients as to them may seem just and reasonable, and to enforce, by appropriate actions at law, such contracts and agreements; To maintain a hospital.

XVII. To license and regulate inns and taverns, and regulate the sale of spiritous or intoxicating liquors within the limits of the city; To license inns, &c.

XVIII. To license, regulate, and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses and markets, on such terms and under such regulations and penalties as the common council shall by ordinance impose; and no other license for such purposes within said city granted by any other au- To license hawkers, &c.

thority shall be lawful, except licenses granted by the governor to hawkers and peddlers;

To license auctioneers.

XIX. To license auctioneers, and to regulate and control their duties, and make them liable on their official bonds for the faithful performance of the duties enjoined upon them, as well as for the payment of any money collected by or intrusted to them by the said common council, such persons as may employ them as hereinafter provided;

To license cartmen, &c.

XX. To license cartmen, hack drivers, omnibus drivers and porters, and to prohibit all persons not so licensed from following the employment of a common auctioneer, cartman, hack driver or porter in said city;

To build wharves, &c.

XXI. To build and construct wharves, docks and piers which may adjoin the present or future termination of any of the streets within the limits of said city, and which may be flowed with tide water; *provided however*, that the said city shall lawfully acquire the title to the land at such terminations of any of the said streets by purchase of the owner or owners thereof, and to control and to have the proceeds therefrom deposited in the city treasury for the benefit of the city; and to purchase or hold such land, whether covered by tide water or otherwise, or the rights of the owners of the shore therein, as they may deem for the interests of the city, in order to have constructed and built, when in their judgment the public necessities require the same, wharves, docks and piers, and to control, regulate and govern the same in the manner hereinbefore mentioned: *provided*, that no such wharf or pier shall be so extended into tide water as to obstruct navigation; and that in order to enable the said mayor and common council of Jersey City to defray the expenses of the improvements in this section mentioned, it shall be lawful for the said mayor and common council to issue bonds for the payment thereof, at such rates of interest, not exceeding seven per centum per annum, and in such amounts as they may deem expedient, which said bonds shall be deemed and taken as a debt of the city, over and above any loans now authorized; *provided*, that the whole amount for which said bonds shall be issued shall not exceed the sum of one hundred thousand dollars;

Proviso.

Proviso.

Proviso.

To provide for appointment of harbor masters, &c.

XXII. To provide that the said aldermen, or a majority of them, in common council assembled, by not less than nine concurring votes, shall and may from time to time elect and appoint keepers of the city prison, harbor masters, measurers

of grain, weigh masters, cullers of staves and heading, inspectors of beef and pork, pot and pearl ashes, lumber and firewood, coal and other fuel, and such subordinate officers and agents of said city not herein named, as they shall think necessary either for the better ordering and governing the said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until others shall be appointed to succeed them, and be sworn into office;

To suppress gaming.

XXIII. To prevent and suppress gaming houses, and to prohibit gaming; and to restrain and punish all mendicants, vagrants and street beggars and common prostitutes;

To suppress riots.

XXIV. To suppress riots, disorderly and tumultuous assemblages, and to suppress vice and immorality;

To punish violations of ordinances.

XXV. To punish by fines or imprisonment in the city prison all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act, and no fine shall exceed fifty dollars, or imprisonment beyond ten days;

To regulate shows.

XXVI. To regulate or prohibit bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fireworks in the city;

To destroy dogs

XXVII. To restrain all dogs from running at large, and to authorize their destruction;

To regulate fishing in waters.

XXVIII. To regulate or prohibit the setting up or fixing of any pole or poles for fishing in the waters within the limits of the city, whereby the lives of persons may be endangered or navigation obstructed;

To construct a workhouse.

XXIX. To construct and maintain a work house adjoining and connected with the almshouse in the city, and to compel such paupers as now are or may at any time or times hereafter become inmates of said almhouse and such persons as may be committed thereto by the recorder as herein provided, to perform work and labor therein, and to purchase such material as may be necessary to keep such paupers or prisoners in employment in said workhouse, and to sell the products manufactured in said workhouse, and appropriate the moneys arising from such sale to such purpose or purposes as they may deem advisable; *provided, however,* that said money shall be appropriated to city purposes; and

Proviso.

to cause proper and prudent and discreet punishments to be inflicted upon such inmates as refuse to obey the laws or rules of said workhouse, or the person or persons intrusted with the superintendence of the same, and to otherwise regulate and control the said workhouse as they may deem advisable.

To establish a commission of erection.

XXX. To establish and control a commission of erection, to consist of four residents of said city, and to regulate the manner of their appointment, their term of office, salary and duties.

To establish a commission to map streets.

53. *And be it enacted*, That it shall be lawful for the mayor and board of aldermen, by ordinance, to appoint a commission for the purpose of designating, by map or maps, the proper location of all streets to be hereafter laid out in said city, upon lands which have not been laid out in city lots and dedicated to the public use; and said map or maps, when made and completed as aforesaid, and adopted and confirmed by the board of aldermen and approved by the mayor, shall be and remain the established and proper location of all such streets as are described in said map or maps, and not elsewhere; the said commission shall consist of four residents and freeholders of said city, no two of which shall come from the same ward, a city surveyor, who shall severally be duly

Duties of the commission.

sworn or affirmed; and it shall be the duty of such commission to make a survey and locate streets upon all the lands above mentioned, according to their best judgment and ability, and for the best interests of said city, for the purpose of establishing greater regularity and uniformity in the location and course of all the streets in said city, and cause a map to be made and a report to be made of the same; said report and map shall be filed with the city clerk within such reasonable time as the board of aldermen may designate by the ordinance creating said commission, or by resolution; whereupon, the city clerk shall, within ten days, cause the same to be advertised in at least two of the Hudson county newspapers circulated in said city, and cause one hundred notices to be posted throughout said city, in which notice a time and place must be designated when and where the board of aldermen or their committee will meet to hear all parties interested, verbally or in writing, why said report and map or maps shall not be confirmed and established as the location of all such streets to be opened.

Streets located when map is confirmed.

54. *And be it enacted*, That when the board of aldermen accept, adopt and confirm such report and map or maps as

in the last section provided, and the mayor approve of the same, then all such streets shall be considered as finally located, and when opened thereafter for public use, they shall be opened in conformity with said survey and map or maps, and not otherwise, the same as if they had been dedicated upon application or otherwise by the owners of such real estate, and the costs and expenses of the proceedings herein provided for shall be assessed upon the land fronting on the line of the streets specified on said map or maps by the commissioners of assessment, and shall be a lien on the land so assessed, the same as other assessments in this act provided for, and to be collected in the same manner, but no assessment shall be made upon lands through which streets have already been opened and dedicated to public use by map or otherwise; and to regulate the building of vaults, and the laying of gas pipes in or under the streets, and in every other respect to secure to the public and the adjoining owners the safe and convenient use of the streets and sidewalks, squares and public grounds, for the purpose for which they are or may be laid out and divided.

Costs and expenses of opening streets assessed on owners of lots.

55. *And be it enacted*, That it shall be lawful for the said common council of Jersey City to borrow money from time to time for all purposes for which by this act they are authorized to raise money by tax, and to secure the payment thereof by a bond or other instrument under the common seal and signature of the mayor, and to provide by tax for the payment thereof; *provided*, that it shall not be lawful for the said common council to raise any sum by loan whereby the payment of the said loan shall not be otherwise provided for than by a tax upon the persons and property in said city, unless a majority of the common council and the mayor shall approve the same; and there shall not be a greater sum than two hundred and fifty thousand dollars raised by loan in any one year, unless the repayment thereof shall be provided for from the taxes to be raised in said city in any such year, and the said city shall not owe more than five hundred thousand dollars at any one time.

May borrow money on bonds, &c.

56. *And be it enacted*, That it shall be lawful for the common council to raise by tax every year so much money as they may deem expedient for the purpose of lighting the streets, supporting the night watch, supplying the city with water to extinguish fires, and other purposes, for repairing the streets, for improving the public grounds, maintaining

Moneys raised for specific purposes.

the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city hall or town house, a city prison, an almshouse and workhouse, for contingent expenses, and all other purposes authorized by this charter, and that the ordinances directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other.

OF TAXES AND THEIR COLLECTION.

Board of assessors, and duties of assessors.

57. *And be it enacted*, That the assessors shall constitute a board of assessors, who shall confer together for the purpose of regulating the valuation of property in the several wards; each assessor shall assess the taxes for city purposes as directed by the laws of this state for assessing township, county and state taxes in manner following; a poll tax on every male resident over the age of twenty-one years, who is not a pauper, not less than one dollar or more than two dollars, which shall be a school tax, and appropriated to the support of public schools; they shall also assess all real estate and chattels situate in the city, both of residents and non-residents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for schools or academies as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and common council, and except mortgages on real or personal property in the city, (which said mortgages shall be exempt in the hands of any resident of this state), by valuing the same at its true, full, fair value, designating the number of lots or parcels of land and the value of personal chattels which they assess to each person, and every person owning or having in his charge any lands or chattels in said city shall, on application of the said assessors or either of them, disclose and specify the quantity and situation of such lands and the amount, nature and value of such chattels, and if any person refuse to answer or give such information when required, the said assessor shall value his real estate and chattels at double the amount which they may believe the same may be worth; and such person shall have relief therefrom before the commissioners of appeal; and the residue of such tax, after deducting the amount raised

by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue, and all taxes so assessed for city purposes shall be collected by the collector in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and before the thirtieth day of December in each year.

War fund.

58. *And be it enacted*, That the municipal authorities of Jersey City shall in no wise be required to contribute to any fund or amount of money which may be ordered by the county authorities, or other power within the said county, by virtue of any act whatever, now passed or hereafter to be passed in relation to bonds issued for war purposes, unless the quota which the municipal authorities of Jersey City would have been liable to pay, by reason of such enactment, shall exceed the amount which has been or may be actually appropriated for such purposes; and that in such case the municipal authorities aforesaid shall be liable to pay only such excess, and that the bonds so issued shall be exempt from state or county taxes.

Transcripts of assessments.

59. *And be it enacted*, That the assessors of said city shall cause to be filed with the clerk of the city, transcripts or duplicates of the assessments of taxes levied in the city on or before the first day of October, in each and every year; and that it shall be lawful for the common council of the city to pass, alter and repeal ordinances, prescribing penalties for disobedience of this section, to be recovered in the same manner as penalties for violation of other ordinances are now recovered.

Office for assessors.

60. *And be it enacted*, That it shall be lawful for the said common council, by resolution, according to the provisions of this act, from time to time to pass resolutions, designating an office in the city hall of said city which the assessors shall occupy during certain hours of such days or evenings, and for such period, not less than sixty days, as shall be fixed by said resolution for the purpose hereinafter named.

Notice of meetings.

61. *And be it enacted*, That it shall be the duty of each of said assessors to cause notice to be given in at least two of the newspapers published in said city, for at least twenty days between the first day of May and the fifteenth day of June in each year, and also by handbills, five of which at least, shall be posted in a conspicuous manner in each of the

wards of said city during the said twenty days, of the giving of which notices, the affidavit of the assessor of each ward filed in the city clerk's office at any time before the meeting of the commissioners of appeal, shall be sufficient evidence that they will be present at such place and at such times as may be designated by said resolution, to receive statements, under oath or affirmation, of the personal property liable to taxation, of any person or persons or any corporation, and the exemptions or deductions claimed from taxation on real estate or personal property by such persons or corporations.

What statement shall contain.

62. *And be it enacted*, That the statement aforesaid shall contain the nature and particulars of the amount of stock, bonds, mortgages or other evidences of indebtedness, assets, goods and chattles, or other personal property by law taxable, together with a specific account of the exemptions or deductions claimed from taxation, whether of personal or real property, which statement shall be verified under oath by the persons or appropriate officers of the corporations offering the same; *provided*, that the oath or affirmation of any person shall not be conclusive as to the statements therein made.

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Right of appeal.

63. *And be it enacted*, That in case such statement shall not contain the particulars or specific account in the foregoing section named, and it shall appear to the commissioners of appeal that such person endeavored to act in good faith and without deception, he shall not be deprived of the right to appeal in order to correct such statement as to such particular or specified account, but for no other purpose; and if no such statement, under oath, be made, no relief shall be afforded on appeal or in legal proceedings of whatever kind, and in such cases such assessment for taxes shall be made by the assessor as to him may seem reasonable.

Proof of absence.

64. *And be it enacted*, That if any person shall appear before the commissioners of appeal, and prove to the satisfaction of such commissioners under oath, in writing, that he or she was necessarily absent from the state during time in which such statement should have been left with the assessor, said commissioners shall not deprive him or her of his or her right of appeal; *provided*, that this section shall not be held to apply to any corporation, or to any person or persons engaged in business in said city, and having employees entrusted with such business; *and provided further*, that such oath shall not be conclusive, but that the circumstances of the case may be investigated by said commissioners.

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Proviso.

65. *And be it enacted*, That it shall be the duty of each of the assessors of said wards to attend in person or by some person competent to discharge the duties incumbent upon such assessor, (for whose conduct such assessor shall be responsible,) at the time and place designated by said resolution, then and there to receive and accept such statements that shall be deposited by the respective assessors with the commissioners of appeal, in cases of taxation, at the first meeting, who shall in turn cause the same to be filed in the office of the city clerk. Duty of assessors as to statements.

66. *And be it enacted*, That if either of said assessors or commissioners of appeal shall neglect or refuse to perform any duty required by this act, he shall suffer the same penalties, to be recovered in the manner as is now provided by law for neglect or refusal to perform the duties of his office. Penalty for neglect.

67. *And be it enacted*, That if any person shall deliver or send to any assessor, or to the commissioners of appeal in cases of taxation, any statement under oath or affirmation as aforesaid, which shall be false in any of the particulars or accounts authorized by this act, as contemplated, he shall be deemed and taken to be guilty of perjury. False statements.

68. *And be it enacted*, That the collector of revenue of said city, in case of the non-payment of taxes, on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively annexed, and deliver the same to the clerk of the said city, on the thirtieth day of December in every year, except when the said day shall be Sunday, and then the next day following; and it shall be the duty of such clerk to lay the same before the common council at a meeting thereof held next after the same shall be delivered to him, and thereupon the said common council may deliver the same to a justice of the peace residing in said city, who shall proceed and issue a tax warrant thereon as provided by law in case of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same in like manner in all things as the constables in townships are directed by law; *provided*, that such collector of revenue shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation before some justice of the peace of said city, that the moneys in the said list mentioned have been duly demanded, due notice thereof Duties of collector of revenue. Proviso.

given at the usual place of residence of each delinquent who could be found or may then reside in the said city.

Interest on unpaid taxes.

69. *And be it enacted*, That whenever within the said city any tax shall remain unpaid after the twentieth day of December in every year it shall be lawful for the collector of revenue to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the twentieth day of December in each year until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of said city in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected.

Interest allowed on tax prepaid.

70. *And be it enacted*, That if any person or persons from whom any tax shall hereafter be due and payable to the said city, for state, county or city purposes, shall pay the same or any part thereof to the collector of the city, before the time appointed by law for the said collector to return a list of delinquent tax payers it shall be lawful for the said collector to allow and deduct from the amount of tax so paid interest thereon, to be computed at the rate of seven per centum per annum from the time when the said tax shall be received by the said collector until the time appointed by law to make return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said common council or the collector of said city from paying over to the treasurer of this state, or the collector of Hudson county the full quota of taxes required by law to be raised in said city for state and county purposes.

Proviso.

Further duties of collector.

71. *And be it enacted*, That it shall be the duty of the collector of revenue, in addition to the duties herein required to be performed by him, to require such other duties as the common council may by ordinance prescribing his duties ordain; and it shall further be his duty to keep a receipt of all proceedings affecting the revenue of the city, and at the end of each fiscal and every current year the said proceedings shall be filed by him in the office of the city clerk.

Shall pay over moneys to the treasurer.

72. *And be it enacted*, That the said collector of revenue shall pay over all moneys received by him as revenue for the city, as soon as collected, to the treasurer of said city, who shall in turn pay over to the treasurer of this state or to the collector of Hudson county, upon demand, the full quota of

taxes required by law to be raised in said city for state and county purposes.

All taxes and assessments a lien on lands.

73. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements or real estate situate in said city shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the common council for the payment thereof, it shall and may be lawful for the common council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaing unpaid, with the interest thereon and all costs, charges and expenses, and to execute under the common seal of the said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his or their proper use, against the owner or owners thereof, and all persons claiming under him or them until his said term shall become completed and ended, provided that the common council shall first have caused such to be advertised for at least sixty days in at least two public newspapers printed and published in the said city, and also by advertisements put up in at least five public places in such ward of said city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person for and in behalf of the owner or owners, mortgagees, or any creditor or creditors under a judgment, attachment or mechanics' lien, or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for taxes or assessments, water rents or sewerage taxes which the said

May sell lands and execute a declaration of sale.

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purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the city, stating the payment and showing what lands, tenements and real estate such payment is intended to redeem, shall be evidence of such redemption; the owner or owners, mortgagee, or any creditor or creditors under a judgment, attachment or mechanics' lien shall have power to redeem at any time until after the expiration of the six months notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment by the owner or owners, or any creditor or creditors under a judgment, attachment or mechanic's lien, shall be affected by such sale unless six months notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence, (or at the post office nearest thereto,) but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person proving the due service of said notice which affidavit shall be evidence in all courts of the facts therein contained;

Proviso. *and provided also*, that the said term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of permission to said lands, tenements or real estate until the two years limit for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted;

Proviso. *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the common council may

direct; *and provided*, that if at any sale of lands, tene- Proviso.
ments, or real estate, for assessment of taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said common council to adjourn the said sale not less than thirty nor more than sixty days; twenty days' notice, at least, shall be given as aforesaid, of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements or real estate for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided, also*, that all moneys Proviso.
paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on sale of said lands, under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all taxes and as- Proviso.
sessments shall be kept in the city clerk's office, which record shall contain the time when such taxes and assessments were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to record, in a book to be called "Records of Sales," all declarations of sale, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the city clerk's office.

74. *And be it enacted*, That it shall and may be lawful for Treasurer may transfer declaration of sale.
the treasurer of Jersey City, by authority of the common council of said city, to transfer to any person or persons who will pay the amount due thereon, any unredeemed and un-

cancelled declaration of sale heretofore issued to said treasurer, or that may hereafter be issued to him for any lands, tenements and real estate, lawfully purchased by said treasurer for the benefit of said city at any sale for unpaid taxes, assessments, water rents, or other charges, for which the corporation of said city are or may be authorized to sell such lands, tenements or real estate.

Declaration to be certified and attested.

75. *And be it enacted*, That a certificate of such transfer, signed by said treasurer, endorsed upon or annexed to such declaration of sale, and attested by the city clerk, under his hand, shall, together with such declaration of sale, be delivered to the transferee at the time of such transfer, and thereupon the person or persons to whom such tranfer or delivery are made shall, in all respects, be entitled to the same rights, powers and privileges under said declaration of sale as if the same had been originally lawfully issued to any person other than the treasurer of said city, and by such person duly and legally assigned and set over to such transferee; and such certificate of said treasurer, attested as above stated, shall operate as and be an assignment and conveyance of the said declaration of sale, and the rights and interests thereby conveyed to said treasurer as fully and to the same extent as if said declaration of sale had been originally issued to any other person having power to assign and convey his own interest therein, and had thereupon been assigned and conveyed to said transferee.

City clerk shall record abstract.

76. *And be it enacted*, That it shall be the duty of the city clerk at the time of attesting said certificate, to record the abstract thereof in the margin of the record of the declaration of said sale by said certificate transferred, and the said attestation and record of said certificate by the city clerk shall be deemed and taken as conclusive evidence of the consent and authority of the common council to such transfer being made.

Notice of time limited for redemption.

77. *And be it enacted*, That it shall be the duty of the common council to give notice of the expiration of the time limited for the remption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon; and in case any arrears of taxes or assessments shall remain unpaid the collector of revenue shall place the amount of said tax or assessment under the head of

arrears on the next year's bill, and no sale of property shall be legal unless this provision is complied with.

Assessment valid without regard to mistakes in name of owner.

78. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners of any lands or real estate chattels in said city, in assessing the land or real estate for any street improvement authorized by this act, such assessment shall be valid and effectual in law against such lands or real estate, or chattels, and the same may be proceeded against and sold in the manner hereinafter prescribed, with the same effect as though such assessment had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such land or real estate for any street improvement, the name or names of the real owner or owners, if discovered, shall be made to appear.

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State and county taxes, how assessed.

79. *And be it enacted*, That all state and county taxes shall be assessed by the assessors, in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law; *provided, however*, that the proportion or quota of tax to be levied and collected in said city, for state and county purposes, shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state is or may be adjusted and fixed for the several townships in this state, for which purposes the assessors shall make a list of such persons and property as are by law liable to such taxes.

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Lamp and watch district.

80. *And be it enacted*, That the common council shall establish, by ordinance, certain limits in said city to be called the lamp and watch district, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expenses of lighting the streets and supporting a night watch, and shall provide that such taxes shall be assessed only on property lying within such lamp and watch district; and the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp and watch district.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

81. *And be it enacted*, That all expense for improvements

All expenses of improvements assessed on lands.

in opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking, paving and repairing streets for building sewers, drains and receiving basins in and upon any street, road or avenue in said city or any part thereof, and for flagging sidewalks and for filling and refilling sidewalks, and for repairing and resetting, flagging in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for filling sunken lots, and for building wells, pumps, cisterns, drains and sewers, shall be assessed upon and paid by the lands and real estate either along the line of the said improvements on the land and real estate benefitted by the same, in proportion to the benefit received, as the board of assessment shall in their discretion determine; *provided*, that thereon the said commissioners in cases of street improvements determine to assess the land and real estate along the line of said improvement, they shall assess for intersections such proportion of the real estate in the street intersections as to them may seem advisable; *provided*, that all cobble stones which shall be taken up from any street for the purpose of repairing shall be appropriated to the use of the said city; all propositions for such improvements, except for opening, altering, altering the grade of or widening streets (and constructing sewers), shall be advertised by the common council in one or more of the city papers for twenty days before the same are adopted, and the parties interested shall, if they desire, have an opportunity of being heard thereon before the common council or their appropriate committee; *provided*, that for paving any street, or a portion of a street, lying without the limits of the improved part of said city, or upon which there are no buildings erected, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained, and the expenses of such improvements, when completed, shall be ascertained and assessed by the board of commissioners of assessments hereinafter provided for, not interested therein, which commissioners shall examine into the whole matter, and shall determine and report in writing to the common council what real estate ought to be assessed for such improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk,

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and be by him recorded in the assessment book, whereupon the said clerk shall cause to be inserted in at least two of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the common council will meet at a time and place to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing, and if the common council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Board of commissioners of assessments.

82. *And be it enacted*, That it shall be the duty of the said common council of Jersey City to appoint a board of commissioners of assessments, which board shall consist of not less than three commissioners, each one of whom shall be a resident and freeholder in the city, who shall take and subscribe the oath required by this charter as other city officers are required, and who shall hold their offices for three years; in case any one or more of the said board of commissioners shall be interested in any assessment which may from time to time be ordered, the common council shall in such cases appoint some discreet and impartial freeholder or freeholders, resident in said city, to serve with such board on such assessment, in lieu of the commissioner so interested.

Consent of three-fourths of owners to change of grade required

83. *And be it enacted*, That the common council shall not alter the grade of any street which has been fixed by any lawful authority, and which has been built upon, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade.

Proceedings when patented pavement is laid down.

84. *And be it enacted*, That in case application shall be made to the common council of the city for the improvement of any street or avenue, or portion of any street or avenue, within the limits of said city, by the work necessary for preparing the same, for the laying of the Nicholson or other improved pavement, and the laying of the same, when the right or patent for the said pavement shall be held by any person or persons, corporation or company, solely empowered to lay, or cause the same to be laid, it shall not be necessary that the contract for said work or improvement or materials for the same shall be given to the lowest bidder, and that the said common council are hereby authorized and empowered to make contracts for the execution of said work and the fur-

nishing of materials; by a majority of the votes of said council concurring in the same.

Objections to improvements.

85. *And be it enacted*, That if the owners of a majority of lands fronting on the line of so much of said streets or avenues proposed to be improved shall petition for such improvements, specifying the kind of improvement and pavement desired by said property owners, it shall be necessary for said council to advertise for objections or remonstrances to said improvement; but it shall be competent for said council to enter at once into contract or contracts for said work, by a vote of a majority of the members of said council; but in case said petition for said work shall not be signed by a majority of the owners of property on the line of said improvements, then and in that case the course of proceeding shall be the same as in other improvements.

May take land necessary for streets.

86. *And be it enacted*, That the common council shall have power to take any lands that they may judge necessary for the opening, widening or alteration of any street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot or parcel or tenement, by taking part of it for such purpose; *provided*, that any street upon or along any navigable waters within the limits of said corporation, shall not be widened so as to give the common council or corporate authorities of Jersey City any right or interest in or control over any docks, wharves or piers used for ferries, commercial or other purposes, or to deprive the owner or owners of such docks, wharves and piers of their right, as riparian owners, or of any franchise or authority as shore owners.

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Proceedings on application for opening streets.

87. *And be it enacted*, That when any application shall be made for opening, altering or widening any street, or altering the grade of any street, or for constructing any sewer, the common council shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application; and shall give notice of the nature of such application, and the time and place of hearing, in two or more of the city papers, for ten days before such time of hearing; and if the common council shall determine to open, alter or widen said street, or alter the grade of said street or any part thereof, or to construct such sewer, they shall, after determining and defining the precise improvement to be made, appoint three judicious disinterested freeholders, residents of said city, commissioners,

Proceedings if opening is determined on.

who shall determine what lands and real estate will be benefitted by said improvement; and shall estimate the whole cost of said improvement, according to the best of their judgment; and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map, estimating the benefit to be done to the residue of any lot or parcel, of which part may have been taken for such improvement in the same manner as to other lands; and they shall also estimate and report the value of lands taken for such improvements, and the erections thereon, and the damages aforesaid done by taking the same, and shall report to whom said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the city clerk within ninety days after their appointment; except on application for the construction of any sewer, in which case said commissioners shall file said report and map with the city clerk within thirty days after their appointment; the city clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in two or more of the city papers, and continue the same for two weeks; and unless, within thirty days after the filing of said report, one-half of the owners of the lands to be assessed for such improvements shall file with the city clerk a remonstrance, signed by them, or their agents, lawfully authorized, said common council shall proceed to execute such improvements; but if such remonstrance shall be filed, the common council shall proceed no further in such improvement under that application; and all costs and expenses incurred by the common council in such proceedings shall be repaid to the city by the petitioners for such improvements; and the common council may make such regulations touching the receiving and proceeding upon such petitions, and security for the expenses thereof as they may deem proper; and if no such remonstrance be filed, then the amount reported by said commissioners as the value of any lands to be taken, and the damage by taking the same, shall be the sum to be paid by said common council to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and the costs of the proceedings shall be assessed upon the property reported by said commissioners as benefited thereby, and in the proportion reported by them.

Remonstrance of more than one half of owners of lands shall stay improvement.

Proceedings of owner when dissatisfied with damages assessed.

88. *And be it enacted*, That if the owner of any lands taken, who has filed a remonstrance against such improvement, is dissatisfied with the value and damages reported by said commissioners, or if the owner of any land assessed, who has filed a remonstrance against any assessment, is dissatisfied with such assessment, he may apply to one of the justices of the supreme court; and said justice, upon petition by such person dissatisfied, setting forth the causes of complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvements; such commissioners shall meet on ten days' notice, given by any of said persons so applying to each of the others, or to his attorney, if either reside in the city, and to the city clerk, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance, and the production of papers, by process of subpœna to issue out of the supreme court, and shall review the proceeding of the said commissioners appointed by the common council, so far only as the complaint of the applicants to the supreme court is concerned, and shall report in writing under their hands, to the common council, their estimate of the value of such lands taken and damaged, and their assessment of such expenses on lands benefited, which report shall be filed with the city clerk, and shall be conclusive on all parties; and the cost of their appointment, and of the proceedings of said commissioners, shall, in case their report is more favorable to the applicant than that of the first commissioners, be paid by the city, and added to the expense of the improvement; and in case such report is not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum paid to him or assessed upon his property by the common council, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands so valued or damaged by such taking, shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his inter-

est in said lands, said tenant, or his legal representatives, shall at the termination of their estates, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same; and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof; and such lien shall have priority over all other encumbrances.

Costs and expenses of improvements to be settled by council.

89. *And be it enacted*, That after any improvement authorized by this act shall be completed, all the costs and expenses of making the same shall be reported to and settled by the common council, and the proportion of each lot or parcel of land designated on the original assessment map shall be fixed and settled by a resolution of the common council, according to the provisions of this act, which resolution shall be recorded by the city clerk in a book kept for that pnrpose, to be called the "Assessment Book," and shall be signed by the president of the common council and the city clerk, which book, or a transcript thereof, certified by the clerk under the city seal, shall be conclusive evidence of such assessment.

May charge interest on unpaid assessments.

90. *And be it enacted*, That whenever, within said city, any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the common council, it shall be lawful for the common council to charge, receive and collect, in addition to the amount of said assessment, interest thereon to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; the due publication and posting of all ordinances and notices required to be published or posted by the provisions of this act shall be verified by the affidavit of the printer of the newspapers in which such publication shall be made, or his foreman or clerk, and of the person who posted such notice; and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

Proceedings in payment of damages assessed to owners.

91. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands taken and damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him, but if such owner is not resident in the city, or upon due inquiry cannot be found therein,

then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank for the use of the person to whom the same may be due, and upon filing such receipt of the owner, or the passing of such resolution by the common council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys so deposited shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused; *provided*, that in case of disability or incapacity of the owner to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered such money, be paid into the court of chancery of this state to abide such order as may be made in relation thereto by the chancellor on application for that purpose, and in case such incapacity shall arise by reason of any lien or encumbrance on the lands to be taken, or by reason of the fee being in remainder or reversion, and the interests and estates of the person interested not having been reported by the commissioners or separately assessed, the chancellor may with consent in writing of such parties as may be interested therein, filed in the office of the court of chancery, order such moneys to be invested as the said parties may desire, until a final order shall be made therein; and upon passing of a resolution by the common council that such payment be made into the court of chancery, the title to such lands of such owners shall be vested in the city.

Proviso.

Fees for copies of papers.

92. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the common council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

Assessments may be set aside on certiorari.

93. *And be it enacted*, That any assessment or estimate of value and damages made by any commissioners under this act, that may be made upon principles contrary to law and to the provisions of this act, may be reviewed and for such cause set aside by the supreme court upon certiorari; and the said court shall in the case of setting aside any such assessment or valuation, appoint new commissioners to exam-

ine into and report anew as to the part set aside; and for the purpose of such examination the supreme court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same, by affidavit to be taken for the purpose; and the city, in case of reversal, shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

Lot not to be cut off with out consent of owner.

94. *And be it enacted*, That the common council shall not alter any street or public highway in such manner as to cut off any lot that shall front upon or adjoin the same from access thereto, without the consent of the owner of the lot so cut off; but the consent of any owner shall not be necessary for any alteration, except in front of the side of the block on which his lot may front or adjoin.

Commissioners of assessments shall take an oath.

95. *And be it enacted*, That all commissioners of assessments, appointed by or under this act shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the mayor and city clerk, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the common council shall, by general ordinance, fix and ordain.

Limitation as to opening streets.

96. *And be it enacted*, That it shall not be lawful for the term of fifteen years from the passage of this act to lay out or open any public street east of Provost street and west of Hudson street, as above located, between Pavonia avenue and North Fourth street, except Meadow street from Pavonia avenue to a line one hundred feet north of North street, and North First street from Meadow street to Provost street, and North street from Pavonia avenue to a line one hundred feet north of the north side of Pavonia avenue, subject as hereinafter mentioned; *provided*, that the assessment for taxes on lands now bounded by the streets in this section referred to shall be made in the same manner as though this act had not been passed, and the lands where the unopened streets named in this section are to enter shall be assessed for taxation as other lands are assessed.

Proviso.

Null and void.

97. *And be it enacted*, That any dedication to public use by making, filing or recording Mangin's map of Harsimus, or down on that map, or any street running north and south, east of Provost street and south of Pavonia avenue, which is by this act declared unlawful to lay out or open, is hereby declared null and void.

Continuation of streets.

98. *And be it enacted*, That the lands over which the streets shall be extended that are hereby directed to be laid out and opened in continuation of Warren street, Washington street, Green and Hudson street, are hereby declared to be dedicated to the public use for such streets, in lieu of the streets extending across the same tract of land which are now dedicated, and the dedication declared void by this act; and when said streets by this act so directed to be laid out and opened shall be opened and graded by the mayor and common council of Jersey City, no assessment shall be made for the value of the land occupied or the damages done by taking the same to any person or corporation; but the vacating the streets across said tract, in lieu of which the said streets are directed to be laid out, shall be in full payment for such compensation and damages; and if any owner shall refuse to accept the same in full for such compensation and damages, then so far as his land is concerned the vacation herein provided shall be null and void.

Tract of land to be protected from laying out of streets so long as used for railroad purposes.

99. *And be it enacted*, That the tract of land over which it is declared unlawful to lay out any street, as hereinbefore stated, shall be protected from the laying out of streets upon the same only so long as the same is used for railroad purposes, and as soon as the use of the same for such purposes is discontinued and abandoned, it shall be lawful to lay out and open public streets upon the same, in the same manner as could be done before the passage of this act; and the parts of said tract now dedicated as public streets shall continue to be so dedicated for the purpose of opening streets thereon after such discontinuance and abandonment of the use thereof for railroad purposes, and in case such streets may be opened over the parts now dedicated for public streets without compensation.

Expenses, how paid.

100. *And be it enacted*, That all expenses for laying out, ornamenting or improving public grounds and public squares shall be paid out of the city treasury.

Contracts given to the lowest bidder.

101. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in this title, shall at all times be given to the lowest bidder who will comply with all the requirements of the common council, and will give ample security for doing said work and furnishing said materials according to contract; but the common council shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper.

May borrow money in anticipation of assessment.

102. *And be it enacted*, That in all cases where the mayor and common council of Jersey City are now authorized to make or levy any assessments for any improvements in said city, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection thereof, anything in this act to the contrary notwithstanding.

THE FINANCIAL DEPARTMENT.

Debt of water works assumed by city.

103. *And be it enacted*, That "all the works for supplying Jersey City and places adjacent with pure and wholesome water," and all the property, real and personal, rights and effects belonging to the same or connected therewith, be and hereby are transferred to the city by this act consolidated and incorporated, and henceforth to be held and owned by the said city for the benefit of the inhabitants thereof, and also all rents and profits arising from said works; and also that all debts accrued against Jersey City for the construction, improvement and repairs of said works, and the water pipes and the setting the same, and the expense of keeping the same in successful operation and repair, outstanding, whether of principal or interest, at the adoption of this charter by the said city, shall be considered and are hereby assumed as debts of the whole city embraced by this act, to be paid by said city whenever necessary, by a uniform rate of tax on the whole property taxable in said city.

Board of water commissioners.

104. *And be it enacted*, That there shall be a board of water commissioners, to consist of the present four commissioners according to the term for which they respectively hold office, the president of the board of aldermen, as ex-officio member, and two other commissioners, to be elected at the next charter election, to hold their offices one for five, and one for six years, which shall be determined by lot by the board of commissioners after the election, and the said commissioners shall elect annually one of their number to be president of the board, and shall determine by lot, unless otherwise determined, the terms during which the four of their number elected shall hold their offices, one of whom shall remain in office for one year, one for two years, one for three years, and one for four years from the first of May ensuing; after which time there shall be elected at the annual city election one commissioner, whose term of office shall continue for six

years; all vacancies in said board shall be filled by the common council on the nomination of the mayor.

Charge of constructing sewers, &c.

105. *And be it enacted*, That the water commissioners, under the direction of the mayor and board of aldermen, shall have the entire charge of constructing all sewers, drains, culverts and receiving basins in said city, and every part thereof, and of cleansing and repairing the same, and in the construction of main sewers, as already provided in the act entitled "An Act to supply Jersey City and places adjacent with pure and wholesome water," and supplements, and the said water commissioners are hereby authorized to extend the outlets of the same to the tidewater of New York bay, Hackensack or Hudson rivers, as may be deemed by them necessary or expedient; and the assessment for the cost and expense of constructing such sewer or sewers, according to the plan adopted as aforesaid, shall be assessed upon the property benefited by its construction, and it shall be lawful to construct said sewers under the Morris canal whenever it may be necessary.

Repealer.

106. *And be it enacted*, That so much of the act entitled "An Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved March twenty-fifth, eighteen hundred and fifty-two, and the several supplements thereto, now in force, are applicable and adapted to the uses and purposes of the city are hereby incorporated and consolidated, as to supplying the said city with pure and wholesome water, and constructing sewers, drains, and receiving basins with the appurtenances, and the cleaning and repairing of the same, and not incompatible with the provisions of this act, be and the same are continued in full force and operation for the whole of said city as hereby incorporated and extended; and all acts and parts of acts inconsistent therewith be and the same are hereby repealed.

Comptroller.

107. *And be it enacted*, That as soon after the organization of the common council as may be, it shall be the duty of said common council to appoint (on the nomination of the mayor), some fit and competent person to be comptroller of the treasury and finances of the city, whose duty shall be defined by ordinance; and also to appoint one person learned in the law to act as attorney, solicitor and counsel of the city, whose duties may be prescribed by ordinance, and who shall be allowed to employ such assistant or assistants as the common

council may prescribe, who shall be provided with sufficient apartments or offices in the city hall, with all necessary furniture and stationery; the appointment of the said comptroller, and attorney and counsel shall be for three years, and to continue until successors are appointed, and to receive such salary or compensation as the common council shall by ordinance direct.

Property, debts, &c.

108. *And be it enacted*, That all the property, real and personal, all debts, dues and demands, all judgments, recognizances and claims, and all liens, actions and rights of action belonging to any of the cities, townships and town, or municipal corporations embraced in this act, be and they are hereby vested in the mayor and common council of Jersey City, subject to any pledges or liens thereon made by the particular city, town, township or municipal corporation heretofore made and existing thereon, and the mayor and common council of Jersey City may sue for and recover, settle or compromise all debts, dues, claims and rights of action in its corporate name; and it shall be the duty of the comptroller, under the direction of the committee on finance of the common council, to state an account of all such property and the fair value thereof to the corporation as near as may be, of each of the said cities, townships, town or municipal corporations, and also an account of all the debts outstanding against each of said cities, townships, town and municipal incorporations respectively, and which have accrued in the acquisition or improvement of said property, or in the ordinary increase and improvement of such city, town, township or municipal corporation; and if any of the said cities, town, townships or municipal corporations, such debts exceed the amount of said property, such excess shall become the debt of the whole city, and all other debts of said cities, town, townships or municipal corporations respectively shall continue the particular debt of such city, town, townships or municipal corporation, and for the final payment thereof the faith of the city hereby consolidated and chartered, and the property of the aforesaid cities, town, townships or municipal corporation respectively, are pledged, and the property of each municipality is pledged for its own particular debt.

Tax for payment of interest and principal of debt.

109. *And be it enacted*, That until the said particular debts of the cities, town, townships or municipal corporations are or shall be fully paid, there shall be levied and collected an-

nually by a general tax on each city, town, township or municipal corporation, still remaining so indebted, in the same manner as other taxes for the said city at large, such sum as will be sufficient to pay off the accrued interest, and to add sufficient to a sinking fund as will enable such city, town, township or municipal corporation to pay off the principal of such particular debt, whenever the same may become due and payable; the amount of which special tax necessary to be raised shall be annually reported by the comptroller, and ordered to be levied and collected by the common council.

Commissioners of sinking fund.

110. *And be it enacted*, That the mayor, president of the board of common council, treasurer, chairman of the finance committee and comptroller of the said city shall be ex-officio commissioners of the sinking funds of the several cities, town, townships or municipal corporations so particularly indebted as aforesaid; and the whole amount of the net proceeds of said special tax for each of said indebted cities, townships, town or municipal corporations shall, when collected, be paid to said commissioners, who shall receive the same and pay off the interests due, and invest the balance as a part of the sinking fund for such city, town, township or municipality in bonds and mortgages, state bonds of New Jersey, or United States securities, and pay off the debts of said cities, town, townships, or municipal corporations, from time to time, as they become due, or at such other times as they may be able advantageously to do so.

Commissioners' report.

111. *And be it enacted*, That the commissioners shall report to the common council, at least once in each year, a particular account of the condition of each of said funds, specifying the receipts and payments since the last report, the amounts and manner of their investments, the interest they bear, and the balance of each fund in hand, and of the particular debt of each city, town, township or municipal corporation still outstanding and unpaid.

Suits pending.

112. *And be it enacted*, That all suits now pending by or against any of the said cities, towns, townships or municipal corporations, may be prosecuted with the same force and effect as if said corporation were still in existence, and the said city, town, township or municipal corporation shall be liable therefor in the same manner and form as the said corporation might or would be if still existing.

113. *And be it enacted*, That the funds raised by the sev-

eral indebted cities, townships and town, or municipal corporations for the payment of their particular debts, shall not be diverted from said purpose or paid or loaned for any other purpose or object, and in case the amount raised by tax as hereinbefore stated shall at any time be insufficient to make the necessary and appropriate payments and investments, then the deficiency shall subsequently and as soon thereafter as may be, be raised and paid over to said commissioner, until all the said debts are due and paid off.

Funds for payment of debt not diverted.

OF THE AUDITING OF CLAIMS AGAINST THE CITY.

114. *And be it enacted*, That all claims and demands against the city shall be audited by the comptroller and reported as soon as may be by the said comptroller to the common council upon days to be designated for that purpose, at least as often as once in three months; all claims must be presented in writing; they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature and amount of the claim made by the clerk, in a book kept by him for that purpose, prepared with appropriate letters and columns so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon; the claims shall be audited and the amounts allowed paid without unreasonable delay; in case the common council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

Duties of the comptroller as to claims.

115. *And be it enacted*, That at least two weeks before Thursday, in the second week prior to the annual city election, the common council shall cause a notice to be published in two or more of the newspapers published in said city, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited; upon such Thursday the common council shall meet and proceed to audit all claims against the city which may have been or may then be presented, and to make provision for the pay-

Provision for claims before annual election.

ment of all such claims, and of all portions of claims which it shall have allowed or may then allow.

Interest on claims, &c.

116. *And be it enacted*, That no claim against the city, which has been presented to the common council, to be audited, shall be withdrawn from their files; no claim or demand against the city which has not been liquidated by the common council shall bear interest unless it shall have been presented to the common council to be audited previous to or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments.

Costs against the city.

117. *And be it enacted*, That no costs shall be recovered against the city in any action brought against it for any unliquidated claim which has not been presented to the common council to be audited, nor shall costs be recovered against the city in any action upon any unliquidated claim which shall have been allowed in any part by the common council, unless the recovery shall be for a greater sum than the amount allowed by the common council, with the interest thereon from the time it was allowed.

MISCELLANEOUS PROVISIONS.

Taxes and assessments made before passage of act to be paid and collected.

118. *And be it enacted*, That all taxes and assessments made and due before this act takes effect in Jersey City or places hereby incorporated therewith, and not then paid, shall be collected and received by the common council of Jersey City, in the name of such of the corporations as may be entitled to collect the same; and the property liable to be sold therefor shall be sold as if this act had not been passed; and any duty, in such collection and sale, imposed upon any officer in such present corporations shall be performed by the corresponding officer of the mayor and common council of Jersey City under this act.

Suit on bond of auctioneer.

119. *And be it enacted*, That if any person shall sustain loss by the neglect or default of any auctioneer licensed in the said cities, town and townships hereby incorporated, in the discharge of his duties, whereby such bond shall become forfeited, and shall by himself, his agent or attorney, make affidavit of such loss before any person authorized to administer the same, and shall tender such affidavit to the city

clerk, it shall be the duty of such officer to file the said affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her or their agent or attorney, a certified copy of such bond, to the end that an action may be brought upon such bond, and which certified copy shall be evidence in all courts and places.

120. *And be it enacted*, That it shall be lawful for any person or persons to bring suit on such bond in any court having jurisdiction, for the amount of loss alleged in said affidavit to have been sustained, and that the process shall be in the name of said persons as plaintiff, referring briefly to said bond and giving the date of the same; and that he shall in his declaration or state of demand, after setting forth the said bond according to the established practice, and his cause of action, allege that said action is brought in pursuance of this act; and if upon a verdict of a jury, or otherwise, judgment shall be given for the plaintiff, such judgment shall be for the amount found to be the loss of such plaintiff, and not for the penalty of said bond, and that the costs incurred in such action shall be incurred by the parties thereto in pursuance of law, and that the proceedings in any such action shall be in other respects regulated as in suits on bonds brought in this state.

121. *And be it enacted*, That such suits may be brought from time to time upon said bonds, or any of them, by any person sustaining loss, as aforesaid, upon his complying with the provisions of this act.

Ordinances kept in force.

122. *And be it enacted*, That all ordinances of the mayor and common council of Jersey City, as at present incorporated, or other ordinances now in force in other cities hereby consolidated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force until altered or repealed by the common council hereby created.

Compensation of officers.

123. *And be it enacted*, That the common council shall have the power to fix the salary, pay or compensation of all officers, both elected and appointed, by general ordinance, and the salary and compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office, except such officers are elected and appointed for a longer term than one year, and that the salary, pay or compensation of such officers shall be fixed in the man-

ner heretofore designated, in each and every year, and when once fixed shall not be increased during such year.

No inhabitant an incompetent witness.

124. *And be it enacted*, That upon the trial of any issue, or upon judicial investigation of any fact, to which issue or investigation the mayor and common council of Jersey City is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city; and 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 to give this act and special matter in evidence at the trial.

Repealer.

125. *And be it enacted*, That all acts in relation to the cities, townships and town herein consolidated, inconsistent with the provisions of this act are hereby repealed, but the repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said cities, townships and town or any person or persons is or are entitled by virtue thereof.

Certain officers continued

126. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds for the cities, townships and towns hereby consolidated, shall continue in office for the residue of their terms as justices and commissioners respectively, in that ward in which they shall respectively reside at the passage of this act.

Act may be repealed.

127. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act; and this act shall be a public act, and take effect immediately.

Vested rights not interfered with.

128. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Election for approval or disapproval of charter.

129. *And be it enacted*, That a poll shall be opened in Jersey City, Hoboken, Hudson City, Bergen, the town of Union, and in the townships of North Bergen, Union West Hoboken, Greenville, Bayonne, Weehawken and that portion of Kearney in the schedule hereinafter set forth, on the first Tuesday in October, eighteen hundred and sixty-nine, at the hour of seven o'clock in the forenoon, and kept open until the hour of seven o'clock in the afternoon of that day, under the direction of the judges of the last election in said cities, townships and town respectively, and at the place in each city, town and townships

where the last election was held, of which time and place the board of chosen freeholders of the county of Hudson shall give at least one week's previous notice in all the newspapers printed and published in the county; and the electors entitled to vote in either place for town, township or city officers who may vote shall express their assent or refusal of this act by depositing their ballots in a box provided for the purpose in said cities, town and townships; and the electors who are in favor of this law shall each deposit a ballot containing the word "Charter" written or printed thereon; and the electors who are opposed shall each deposit a ballot with the words "No Charter" written or printed thereon; and a canvass and return of the votes shall be made by the said judges respectively to the director of the board of chosen freeholders of Hudson county, within the same time and in the same manner as the judges of election are required to report in county elections; and the said director shall cause the said board of chosen freeholders to be convened to consider said report, after due consideration of which report the same is to be published in the newspapers above mentioned.

May be partially carried into effect.

130. *And be it enacted*, That if at such election a majority of the electors who shall vote in Jersey City, Hudson City and Bergen, respectively, shall deposit ballots containing the word "charter," then this act shall go into effect and operation so far as regards said three cities, and every other city, township or town voting by a majority for "charter;" and if a majority of the electors of any city, township or town shall vote at such election "no charter," then this act shall be of no further force or effect in such city, township or town so voting "no charter; *provided however*, that no city, town or township, so to be incorporated together, be entirely separated from the rest by the intervening territory of any city, town or township that shall have rejected said charter as hereinbefore provided; *and provided also*, that any city, town or township except the city of Hoboken and the township of Weehawken that may have at said election rejected said charter, may reconsider its vote at any subsequent election, to be called, as hereinbefore provided, by the board of chosen freeholders of the county of Hudson, upon the application of the member or members of said board from said city, town or township; and if, at such last election, said city, town or township shall vote, by a majority of electors voting at such election, "charter," such city, town

Proviso.

Proviso

or township, shall be included in said consolidated city, if the territory of any other city, town or township, whose vote still remains "no charter," does not intervene between said city, town or township, desiring to come in, and the territory of said consolidated city.

Charter election.

131. *And be it enacted*, That in case of the adoption under the provisions of this bill of said consolidation then and in that case, the qualified electors of that part of the county of Hudson who have adopted and accepted the provisions of this act shall, on the second (2) Tuesday of April, eighteen hundred and seventy, proceed to a charter election as now provided by law for the election of such officers as shall then be fixed on to be chosen under the provisions of this act.

Repealer.

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

Approved April 2, 1869.

CHAPTER DLXVI.

A Further Supplement to the act entitled "An Act to incorporate the City of Bergen," approved March eleventh, eighteen hundred and sixty-eight.

May borrow money on bonds in anticipation of assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen of the city of Bergen to borrow not more than one hundred thousand dollars in any one year, in anticipation of the collection of assessments for street improvements, to be provided for by the issue of either registered or coupon bonds as the board of aldermen may from time to time direct, and in such amounts only as may be required to meet the obligations of the city falling due for such street improvements hereafter to be commenced; *provided however*, that the amount of such bonds outstanding at any one time shall not exceed one hundred thousand dollars; said bonds to be denominated on the face thereof "City of Bergen Street Im-

provement Bonds," bearing interest at the rate of seven per centum per annum, payable half yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than twenty years from the date thereof; said bonds may be sold at public or private sale, at such times as the board of aldermen may direct; *provided however*, that no such bonds shall be sold at less than ninety-five per centum of their par value; and that such assessments for street improvements, or so much thereof as may be necessary for that purpose, shall be appropriated and set apart to pay the interest and extinguish the principal of said street improvement bonds. Proviso.

2. *And be it enacted*, That it shall be lawful for the mayor and board of aldermen of the city of Bergen to borrow not more than seventy-five thousand dollars, to meet existing liabilities for street improvements now made or in progress, and to issue the bonds of the city therefor, said bonds to be denominated on the face thereof "City of Bergen Temporary Improvement Bonds," bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be made payable in not less than five nor more than ten years from the date thereof; and that assessments made and to be made for work done or in progress shall be applied to the redemption of said bonds and the interest thereon; and said bonds may be sold for not less than ninety-five per centum of their value. May borrow money on bonds for street improvements.

3. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen are hereby authorized and empowered to purchase sites for, and build, erect and furnish school houses in said city, and for that purpose the mayor and board of aldermen of the city of Bergen are hereby further authorized to issue, in the corporate name of said city, either coupon or registered bonds, to be denominated on the face thereof "City of Bergen School Bonds," to an amount in the whole not to exceed one hundred and fifty thousand dollars, including the fifty thousand dollars heretofore issued for school purposes, bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof; and the said bonds shall be sold at public or private sale, at such time and in such amounts only as the proceeds may be required as aforesaid; and the entire proceeds of such bonds shall be applied to the May build school houses and borrow money on bonds therefor.

purposes mentioned in this section and none other; and for the purpose of paying said bonds and the interest thereon as the same may become due, the said mayor and board of aldermen are hereby authorized to assess and collect a tax of one mill on the dollar, of the property assessed in said city, which tax shall be called public school tax, and shall be in addition to any other tax authorized by the act to which this is a supplement, and the collector of revenue shall collect and pay the same to the city treasurer, in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes, and shall be appropriated and applied to the purposes above specified and no other; *provided however*, that no such bond shall be sold at less than ninety-five per centum of their par value.

Public school tax.

Proviso.

May borrow money on bonds for sewerage.

4. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen, at the requisition of the water commissioners of said city, shall have power to borrow, from time to time, such sums as they may deem expedient not exceeding in the whole five hundred thousand dollars on either registered or coupon bonds, to be denominated on the face thereof "City of Bergen Sewerage Improvement Bonds," and to be issued by the mayor and board of aldermen, under the seal of said city, bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at periods not less than ten nor more than twenty years from the date of the issue thereof, and said bonds may be sold at public or private sale as the board of aldermen of said city may direct; *provided, however*, that no such bonds shall be sold at less than ninety-five per cent. of their par value; and the board of aldermen of said city, in levying the assessment for the construction of sewers in the city of Bergen, shall extend the collection of the assessment over a period of five years, and shall charge the property to be assessed for building of sewer, in addition to the amount of the final assessment of the costs and expenses of constructing the same, interest thereon at the following rates, viz: at the rate or eight per centum per annum, upon all assessments which shall remain unpaid for any time during the first three years after the same shall have been confirmed, unless the same is paid within thirty days from the date of the confirmation of the assessment, at the rate of nine per centum per annum upon all such assessments as shall not have been paid at the expiration of the

rProviso.

Manner of assessment for construction of sewers.

first three years and which shall be paid during or at the expiration of the fourth year, at the rate of ten per centum per annum upon all such assessments as shall remain unpaid at the end of the fourth year, and which shall be paid during or at the expiration of the fifth year, and at the rate of twelve per centum per annum upon all such assessments as shall remain unpaid at the expiration of five years from the confirmation of said assessment, which said interest shall be collected at the time the assessment is collected, and together with the assessment and all penalties, charges and costs thereon, shall be and remain a lien upon the lands assessed; and the payment thereof by the sale of said lands shall be enforced the same as is provided in title four of the act entitled "An Act to incorporate the city of Bergen," approved March eleventh, eighteen hundred and sixty-eight, to which this act is a supplement.

Duties of the treasurer.

5. *And be it enacted*, That all moneys collected on said assessment shall be paid to the city treasurer, who shall place the same to an account to be known as the sewerage account; and that said moneys shall be held for the construction of sewers, and shall not be used for any other purpose except to pay the interest on said bonds; *provided*, that after the first of January, eighteen hundred and seventy-three, the said city treasurer shall, with the concurrence of the mayor and board of aldermen of said city, invest all moneys received by him for assessments and interest for building said sewers (except so much thereof as may be necessary to pay the interest on said bonds) in United states government bonds, New Jersey state bonds, and city of Bergen sewerage improvement bonds, and which last said bonds upon being redeemed shall be cancelled; and which said government bonds shall be held by said treasurer as a sinking fund for the final redemption of the city of Bergen sewerage improvement bonds, which may be issued under the provisions of this act.

Proviso.

Amendment.

6. *And be it enacted*, That the seventy-seventh section of the charter of the city of Bergen be so amended as to allow the mayor and board of aldermen to issue the bonds of said city, either registered or coupon, to an amount not exceeding two hundred thousand dollars.

Width of sidewalks.

7. *And be it enacted*, That the width of sidewalks shall be of the uniform width of ten feet, on which no stoop or enclosed area shall extend beyond the street line in the following streets, roads and avenues, viz: Academy street,

from the Jersey City line to Summit street; Montgomery street, from the Jersey City line to Bergen avenue; the Bergen point plank road, from the Jersey City line to Colden place; the New York and Newark plank road, from its junction with the Jersey City and Bergen point plank road to the Hackensack river; and Hudson avenue, from the Jersey City and Bergen point plank road to Palisade avenue; and on and after the passage of this act, the sidewalks upon either side of any street, road, or avenue, or any part thereof, except those above enumerated, shall occupy one-fourth of the whole width of said street, road or avenue, and no stoop shall project more than one-twelfth, and no enclosed area shall occupy more than one-fifteenth of said street, road or avenue; *provided*, that the sidewalk on the Jersey City and Bergen point plank road, from Colden place to Communipaw avenue, shall be ten feet in width.

Proviso.

Assessment of costs and expenses.

8. *And be it enacted*, That on Montgomery street from the Mill creek to Bergen avenue, and on the Jersey City and Bergen Point plank road from the Jersey City line to the westerly side of Communipaw avenue, the Newark plank road from Colden place to Bergen avenue, and Hudson avenue from Palisade avenue to the Bergen Point plank road, one-third of the cost of proper spile foundation and cappings to same, and the expense of rock cutting on said streets, where required, shall be paid for by the city, and the other two-thirds of the costs of said spile foundation and capping and rock cutting on said streets, shall be assessed upon and paid for by the property benefited by said improvement in proportion to the benefit received; and the mayor and board of aldermen of the city of Bergen shall proceed immediately after the passage of this act to cause the above mentioned streets and roads to be improved upon the application of any freeholders of the city of Bergen; and that section of the city charter allowing a majority of the property owners to be assessed for the above improvements to remonstrate against said improvement, shall be of no effect on said roads and streets heretofore mentioned; and to provide for payment of so much of said improvement as the city may be liable for under the provisions of this act, the mayor and board of aldermen of the city of Bergen are hereby empowered to issue either registered or coupon bonds of the city to such an amount as may be found necessary to meet such liability, said bonds to bear interest at the rate of seven per centum per annum pay-

May issue bonds for city's portion of assessment.

able half yearly, and the bonds to run not less than ten nor more than twenty years; and the city shall levy in the tax ordinance of each year a sufficient sum to pay the interest on said bonds, to be levied the same as other city taxes; said bonds may be sold either at public or private sale; *provided, however*, that no such bonds shall be sold at less than ninety-five per cent. of their par value. Proviso.

WHEREAS, if it may be found necessary for the convenience of public travel to cause bridges to be built over the Morris canal, or across streets and avenues and the Mill creek, Preamble.

9. *And be it enacted*, That the mayor and board of aldermen are hereby authorized to cause such bridges to be built, one-third the cost of constructing of said bridges to be paid by the city, one third by the county, and one third by the property benefited by said bridges being built across said canal or street and Mill creek; the amount for the construction of said bridges that the city shall pay shall not exceed in any one year more than fifteen thousand dollars, such amount to be provided for in the tax levy of that year. Bridges over Morris canal.

10. *And be it enacted*, That the following clause in the forty-third section of the fourth title of the charter of the city of Bergen, viz: "which tax shall not exceed in any one year ten mills on the dollar of the actual value of property assessed, except obligations for war purposes and improvement coupon bonds;" and also the following clause in section forty-four, title four, of said charter, viz: "and the assessors shall assess such taxes separately from all other taxes in the manner aforesaid;" together with all other clauses and provisions in said charter inconsistent with this act, be and the same are hereby repealed. Repealer.

11. *And be it enacted*, That from and after the passage of this act the rate of taxation for the purposes expressed in the forty-third section of the fourth title of the charter of said city shall not exceed in any one year twenty mills on the dollar of the actual value of property assessed, except obligations for war purposes. Limitation of rate of taxation.

12. *And be it enacted*, That any assessments made or to be made for any filling which has been done on Washington avenue from the bridge over the Morris canal to the Jersey City and Bergen Point plank road, since January first, eighteen hundred and sixty eight, or now under contract for the necessary piling and capping to protect such filling, shall be assessed and apportioned as follows, viz: one-third to be Apportionment of assessment.

paid by the city, and the remaining two-thirds to be assessed upon and paid by the lands and real estate on each side of said filling benefited thereby in proportion to the benefit received.

Proceeds of bonds, how applied.

13. *And be it enacted*, That all bonds issued by the city of Bergen shall be sold by said city, under the directions of the mayor and board of aldermen of said city, and the proceeds derived from the sale of said bonds shall be paid to the city treasurer, and shall be applied only to the purposes for which such bonds were issued.

Partition fences.

14. *And be it enacted*, That the mayor and board of aldermen shall by ordinance regulate the erection of partition fences.

When assessment is set aside new one may be ordered.

15. *And be it enacted*, That whenever any assessment is set aside on certiorari, and a re-assessment ordered or allowed by the court, the said board of aldermen may appoint new commissioners (who shall possess the qualifications prescribed by the charter of said city) to make a new assessment.

Money refunded when assessment is set aside.

16. *And be it enacted*, That in case any assessment hereafter to be made, or heretofore made, since the first day of January, eighteen hundred and sixty-six, is set aside on certiorari after a portion of said assessment has been collected by the collector of revenue of said city, then, in that case, all sums of money so collected shall be refunded and paid out of the city treasury to the then owners of the lots or parcels of lands so assessed, and upon which payments were so made; and in case a re-assessment is ordered or allowed for said work done, the same shall be made without any reference to the fact that any sums of money have been theretofore paid under the said assessment so set aside on certiorari.

Comptroller.

17. *And be it enacted*, That in addition to the city officers created under the third section, title second, of the act to which this is a supplement, there shall be a comptroller, who shall be appointed by the board of aldermen of said city, at the same time and in the same manner as the other officers provided for by the charter of said city, and shall hold his office for the term of two years.

18. *And be it enacted*, That this act shall be deemed and taken as a public act; and all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DLXVII.

An Act to incorporate the Delaware and Egg Harbor Canal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Schmoele, Th. T. Price, Andrew K. Hay, William Moore, P. M. Wolfseiffer, D. S. Blackman, E. D. Wolfe, William Ford, J. S. Morton, H. Schmoele, Samuel Richards, Charles H. Shinn, Ralph Lee, D. H. Wolfe, William Ayers, J. J. Reed, A. B. Jarden, G. W. Woodward, Henry Harrison, H. Schumacher, Joseph Berens, George Turner, Louis Planer, Charles Herman, David Naar, William Schmoele, Jr., Aug. Johnson, Charles E. Lex, D. S. Brown, John E. Thompson, S. Colwell, M. McMichael, Wm. Coffin, S. B. Barcroft, J. H. Longstreght, Sam. Crowley, Jesse Adams, D. B. Snow, Wm. Bolte, Jacob Keim, E. Mitchell, Fred. Clever, Arch. R. Pharo, L. Ertell, Jos. P. Cake, A. Lurch, Dan. Townsend, Dan. Flax, Wm. Sooy, W. F. Schmoele, Wm. C. Shinn, H. L. Bonsal, J. H. Bartlett, Thomas H. Coles, and all persons who may become subscribers, their successors and assigns, shall be and they are hereby incorporated, by the name of "The Delaware and Egg Harbor Canal Company," for the purpose, and with the privileges and immunities hereinafter described, defined and granted; and by that name shall be a body corporate and politic, in fact and in law, and shall and may sue and be sued, implead and be impleaded, in all courts of justice and elsewhere; and the said company shall have power and authority, at any time after the passage of this act, to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell, all such lands, tenements, hereditaments, waters, streams, and water privileges, rights, goods, chattels and effects, of every description whatever, as may be necessary for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish, and carry into execution, such laws, ordinances and regula-

Corporators.

Name.

May hold real estate.

tions as shall, by its managers, be judged necessary or convenient for the government and management of the said company, and the same to change, alter, repeal, annul, and re-enact; *provided*, that the same be not contrary to the constitution and laws of the United States, or of the state of New Jersey.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five million dollars, divided into shares of one hundred dollars each, and that the said company shall have power to increase the same to such amount as may be deemed necessary, *provided* the same does not exceed ten million dollars, and that the excess over five million dollars, or any part thereof, may be made preferred stock; and that the said company may borrow such sum or sums of money, not exceeding ten million dollars, as may by them be deemed necessary, at such rates of interest, not exceeding seven per centum per annum, and on such terms as they may stipulate and provide, and mortgage the property of the company, or any part of the same, to secure the payment thereof.

Proviso.

May construct a ship canal.

3. *And be it enacted*, That it shall be lawful for the said canal company to construct, make, erect and execute a ship canal or artificial navigation, from the waters of the Delaware river to the waters of the Little Egg Harbor river and inlet, and to improve the navigation of the said rivers respectively, as may from time to time become necessary; which canal shall be at least sixty feet wide at the surface and the water therein at least ten feet deep throughout, and the said company are hereby empowered to supply the said canal with water from the river Delaware and Little Egg Harbor river and Great Egg Harbor river, or from either of them or their tributaries, either directly or by constructing feeders, which feeders shall be so constructed as to form navigable canals, not less than forty feet wide and six feet deep, to conduct the water from any part or parts of the said rivers or their tributaries to the canal; *provided*, that before the commencement of the said canal or the said feeder from the Delaware river, or the improvement of the navigation of the said Delaware river, the consent of the legislature of Pennsylvania be obtained as far as required.

Proviso.

May construct locks, &c., and may enter on lands.

4. *And be it enacted*, That it shall and may be lawful for the said company to construct, make, erect and form all locks, works, devices, wharves, docks, toll-houses, offices, elevators, depots and other buildings and structures necessary and con-

venient for the use of the said canal and feeders or either of them; and that it shall and may be lawful for the said company, by their managers, president, officers, agents, engineers, superintendents or contractors, or any other person or persons by them employed, from time to time and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purpose of locating the several works and building, hereinbefore specified, within such route and feeders as shall be determined upon by the said company, doing no unnecessary damage; and when the general route or routes shall have been determined and fixed upon by the said company, then a survey of the said route shall be made and deposited in the office of the secretary of state of New Jersey by the said company, whereupon it shall and may be lawful for the said company, their agents, engineers, superintendents, contractors or other person or persons employed by them, at any time to enter upon, take possession of and use all and singular such lands, waters and streams, subject to such compensation to be made therefore as hereinafter directed.

Proceedings when company and owners of lands cannot agree.

5. *And be it enacted*, That where lands, waters and streams that may be useful for said canal and feeders, shall not be made a free gift by their owner or owners to said company, the said company shall pay to the owner or owners of all such lands, waters and streams, such compensation as shall be mutually agreed upon, between them; and in case the said company cannot agree with such owner or owners in relation thereto, or in case such owner or owners, or any of them, be feme covert, under age, non compos mentis, or reside out of the state, then it shall be lawful for the said company, and they are hereby required without delay, from time to time, and at all times, to cause a survey or surveys and map or maps, and field book or books, to be made of any of the lands, waters, streams, or other things requisite and useful for the purposes aforesaid, distinguishing in the field books annexed thereto, the lands, waters, streams or other things of each and every owner thereof, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and the same survey, maps and field book, together with the oath or affirmation of the principal engineer employed by the said company, that the premises therein described are required to be occupied or used by the said company for carrying into effect the objects set forth in this act,

to exhibit to one of the justices of the supreme court of New Jersey, giving at least ten days' previous notice in writing to the parties, of the time and place of such exhibition, by serving the same on such owner or owners, if resident in the state at the time, and if not, by advertising the same in one or more of the newspapers printed in Trenton, Camden and Egg Harbor City, and thereupon it shall be the duty of the said justice to certify such survey, map and book, under his hand and seal, and to cause the same to be filed in the office of the secretary of state, there to remain as a public record; and also at the same time and place, by a writing under his hand and seal, to appoint three discreet and disinterested freeholders of the state of New Jersey, not residing in either of the counties traversed by the canal, as appraisers, who shall all or a majority of them, if requested so to do, by the owner or owners, or by the company, and being duly sworn or affirmed, make a just and equitable appraisement of the damages, if any, that each owner may sustain by such appropriation, for the uses and purposes aforesaid; the said appraisers giving ten days' previous notice in manner aforesaid, of the time and place of meeting to make such appraisement; and the said appraisers or a majority of them, shall make regular entries of their appraisements in a book or books to be kept by them for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgment of deeds, and cause such book or books to be filed in the office of the secretary of state, there to remain as a public record; and the company shall pay, or tender the damages so assessed, to the person or persons respectively entitled to the same; or, in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the state of New Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of under the order of the chancellor, according to their several and respective rights and interests, agreeably to law, and immediately thereupon, the right, property and interest belonging to the person or persons so compensated and paid in, and to the premises so appropriated and described, appraised and paid for, shall be vested in the said company, and if default be made in such payment, the owner or owners may sue for and recover of the said company the amount of such appraise-

ment, or bring an action of ejectment for the lands, at his, her or their option.

May enter on lands to construct canal.

6. *And be it enacted*, That it shall be lawful for the said company, or any persons in their employ, with carts, wagons and other carriages, and with their beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands, contiguous or near to the route or tract of the canal, to construct the same, or to repair any breaches thereof, and to take or carry away any stone, gravel, clay, sand, earth or other substances or materials, the owner or owners of said contiguous or near lands so entered upon, being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of disagreement as to the amount of such damage sustained, or the value of such materials taken away, then the said damages and values may be ascertained and paid or recovered in like manner as is provided in the preceding section for ascertaining and settling land damages.

Canal a public highway.

7. *And be it enacted*, That the said canal and feeders, and the works to be erected thereon and belonging thereto by virtue of this act, when completed, shall forever thereafter be esteemed a public highway, free for the transportation of passengers or any goods, commodities or produce whatsoever, on payment of the established tolls, which shall not exceed two cents per ton of goods, or per passenger for every mile.

Payment of tolls may be enforced.

8. *And be it enacted*, That in case of the neglect or refusal of any person or persons to pay the toll at the time of offering to pass through the said canal or feeders, then the vessel so refusing or neglecting to pay may be prevented, by the said company, from entering said canal or feeders, or payment be enforced in the manner customary on other canals in this state.

Must construct bridges.

9. *And be it enacted*, That whenever the said canal shall cross any railroad, public road or farm, it shall be the duty of the said company, at their proper expense, to make good and efficient bridges across said canal, and to keep the same in repair.

Penalty for injuring works.

10. *And be it enacted*, That if any person or persons shall in any manner wilfully and maliciously destroy, injure or obstruct said canal or feeders, or any of their parts, or works therewith connected, he or they shall be considered guilty of

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a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment, or both, at the discretion of the court, in which such conviction shall take place, the fine in each case not to exceed one thousand dollars, nor the imprisonment the term of two years, and such criminal prosecution shall in no wise impair the right of action for damages by civil suit to be brought by the company.

Public act.

11. *And be it enacted*, That this shall be a public act, and shall be judicially referred to and taken notice of by all justices and others, without being specially pleaded.

State may take canal on appraisement.

12. *And be it enacted*, That at the expiration of fifty years after the completion of said canal and feeders, the state of New Jersey may, at their option, to be made within one year thereafter, become entitled to all the estate of the said company in the said canal and feeders, upon payment to said company of the first cost of the same, as the expenditure therefor may appear at the end of one year after the navigation thereon shall have commenced, at which time a statement of such cost, made by the president and attested by the secretary of said company, under oath or affirmation, shall be filed by said company in the office of the secretary of state.

Act declared void under certain conditions.

13. *And be it enacted*, That unless the said company shall obtain the consent of the legislature of Pennsylvania in due form, for the use of the waters of the river Delaware, as aforesaid, on or before the thirty-first day of December, one thousand eight hundred and seventy-two, or shall not complete the said canal within fifteen years from the passing of this act, in either case this act may be declared void and the right of the company to the said canal thereby become vested in the state.

14. *And be it enacted*, That the affairs of the company shall be managed by a board of directors of not less than nine members, a majority of whom shall be residents of this state; said board shall elect one of their number president and appoint all officers and fix their salaries, and remain in office until others are duly elected in their place and assume office; the following named persons shall constitute the first board of directors and remain in office one year after the passage of this act, or until a new board shall have been elected, and every year thereafter on the same day, or as soon thereafter as practicable, a new election of directors shall be held; the

First directors

said first directors shall be William Schmoele, T. T. Price,

A. K. Hay, William Moore, H. Schmoele, H. Schumacher, Charles Herman, P. M. Wolseiffer and Charles E. Lex; the board of directors shall at all times have power to fill vacancies occurring in their number until the next election.

Approved April 2, 1869.

CHAPTER DLXVIII.

An Act to incorporate the Jersey City Oakum Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Woolsey, Francis G. Wetmore, Charles S. Jenkins, William S. Gilbert, Charles A. Woolsey, Charles Wall, Francis Jenkins, John A. Southmayd and Edward Gilbert, and such other persons as they may associate with them, and their successors, shall be and are hereby created a body politic and corporate, in fact and in law, by the name of "The Jersey City Oakum Manufacturing Company;" that the capital stock of the said corporation shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times upon such notice and in such manner and instalments as the directors of said corporation by their by-laws or otherwise may direct; that such payments shall be made either in money or in real or personal property, including patent rights necessary for the business of said corporation; and in case of payment in real or personal property, including patent rights, the directors of said corporation may issue in payment therefor the stock of the said corporation, upon such terms as they may deem best for its interests; and that in case of the failure of any stockholder to pay any instalment on his or her stock at the place, and within thirty days of the time appointed by the directors of the said corporation for the payment thereof, such stockholder shall incur a forfeiture of his or her share and shares of stock,

Corporators

Amount of capital stock.

and of all previous payments thereon, for the use of the said corporation.

Transfers of stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct, and every share of stock shall entitle the holder thereof to one vote, either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by this act when twenty-five thousand dollars of its capital stock shall be subscribed, that the affairs of the said corporation shall, after its organization, be managed by nine directors, to be chosen, except as hereinafter provided, by the stockholders of the said corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, five of whom shall be a quorum for the transaction of business, and which directors shall serve for one year, and until others are chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Hudson; said directors shall from time to time elect a president of the corporation from their own number who shall hold his office until the next annual election for directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary, and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held at any time thereafter; *provided*, two weeks' notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson.

Not dissolved for failure to elect directors

Proviso.

First directors

4. *And be it enacted*, That the persons named in the first section of this act shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation, and a majority of them shall, as soon as convenient, after the sum of twenty-five thousand dollars of said capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Objects.

5. *And be it enacted*, That the said corporation be and the

same is hereby authorized and empowered to carry on the business of manufacturing, buying, selling and dealing in oakum and paper boards, and to take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description, and said corporation shall at all times have an office in this state where a legal process may be served on it.

Capital may be increased.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time, as the board of directors shall determine, to an amount not exceeding two hundred and fifty thousand dollars.

May alter and repeal by-laws

7. *And be it enacted*, That the said directors may, from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property, and the conduct and management of its business; *provided*, that no such by-laws shall conflict with any law of the state.

Privileges and liabilities.

8. *And be it enacted*, That the said corporation shall possess all the rights and powers and be subject to all the liabilities incident to a corporation, and particularly, that it shall possess all the rights and powers and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved April 2, 1869.

CHAPTER DLXIX.

A Further Supplement to the act entitled "An Act making Lands liable to be sold for the payment of debts."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all suits in the court of

Powers of chancellor as to sale of lands when personal estate is insufficient to pay debts.

chancery for the partition or sale of lands, where the personal estate of the ancestor from whom said lands descended is insufficient to pay his just debts, it shall be lawful for the chancellor to direct such lands to be sold, freed from the lien of such debts, and to make such order touching the disposition of the proceeds of sale as may be necessary for the ascertainment and payment of such deficiency thereout before the distribution of the fund.

2. *And be it enacted*, That it shall be lawful for the chancellor to make such rules as he may deem proper to carry this act into effect.

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

Approved April 2, 1869.

CHAPTER DLXX.

An Act to authorize an extension of the State Prison.

Commissioners to extend prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to appoint three commissioners whose duty it shall be to enclose all or so much thereof as may be deemed necessary of the lot of ground belonging to the state lying between the south wall of the state prison and the north wall of the state arsenal, by a substantial stone wall, and to remove such portions of the south wall of the prison as may be in the way of other improvement.

May erect an additional wing.

2. *And be it enacted*, That the said commissioners be authorized to erect an additional wing to the state prison, containing such accommodation as the governor and commissioners aforesaid shall think necessary; and if in the judgment of the said commissioners, or a majority of them, the governor concurring, it should be deemed advantageous to the state to purchase ground and buildings, or either, elsewhere, or to erect any buildings on said ground so purchased, then they are authorized to contract therefor.

3. *And be it enacted*, That the said commissioners shall be authorized to build additional work-shops for the employment of the prisoners in such productive industry, as upon consultation with the board of supervisors of the state prison, the keeper and inspectors may be deemed best for the future welfare of the state prison, and by an additional story to such work-shops or in connection with a common dining hall, to provide a suitable room in which to collect the prisoners for divine worship and for other purposes. May build additional work-shops.

4. *And be it enacted*, That it shall be the duty of the keeper of the state prison to aid the commissioners so far as may be in his power, and to lessen the expense of said buildings to the state by detailing suitable convicts to labor in the erection and completion there, under the care of trustworthy officers and the direction of said commissioners. Keeper to aid the commissioners.

5. *And be it enacted*, That the treasurer is hereby authorized to pay to the commissioners, under the warrant of the comptroller, such sums as may be necessary for the purposes above mentioned, not exceeding fifty thousand dollars; *provided nevertheless*, that all contracts, plans, specifications and the locations of the several buildings hereby authorized, shall have first been approved by the governor. Treasurer authorized to pay the cost. Proviso.

6. *And be it enacted*, That the commissioners shall severally give bonds to the state in the sum of five thousand dollars each with two sufficient sureties to be approved by the treasurer, conditioned to the faithful performance of the duties imposed upon them by this act; and the treasurer is hereby authorized upon the warrant of the comptroller, to pay to them for such services at the rate of five dollars for every day they may be necessarily and actually engaged therein. Commissioners shall give bonds.

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

Approved April 2, 1869.

CHAPTER DLXXI.

A Supplement to an act entitled "An Act to incorporate the Guttenberg Ferry Company," approved March twenty-fifth, eighteen hundred and sixty-nine.

Extension of rights.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said ferry company shall have the rights under the act to which this is a supplement, to take in the town of Union, in the county of Hudson, and that the provisions of said charter shall extend to the said town of Union.

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

Approved April 2, 1869.

CHAPTER DLXXII.

A Further Supplement to an act entitled "An Act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six.

Made applicable to foreign corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement shall be and the same are hereby made applicable, as far as may be, to corporations for manufacturing purposes, chartered and existing by or under the laws of any other state or government, but having places of business and carrying on any kind of manufacture within the limits of this state.

Lien of laborers extended.

2. *And be it enacted*, That the forty-second section of the act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and

forty-nine, whereby it is enacted that in case of the insolvency of any company formed under the provisions of said act, the laborers in the employ of said company shall have a lien upon the assets thereof for the amount of wages due to them respectively, which shall be paid prior to any other debt or debts of said company, is hereby made applicable to such corporations as aforesaid, chartered and existing by or under the laws of any other state or government hereafter declared insolvent under and by virtue of the first section of this act; and the word "laborers" shall be considered to include all persons doing labor or service, of whatever nature, for or as officers in the regular employ of said corporations, and said lien shall extend to amounts payable for the use of any patent or patent rights belonging to such laborers and officers used by said corporation.

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

Approved April 2, 1869.

CHAPTER DLXXIII.

An Act to incorporate the United States Carving and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Manvel, James C. Fairbanks, William W. Marston, Joseph Alward, and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, by the name of "United States Carving and Manufacturing Company," for the purpose of carving and ornamenting wood, stone and other materials, manufacturing machinery, and also dealing in all materials used in said business, and by that name they and their successors shall be and 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, to

Corporators.

Name and object.

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 have, purchase, receive and enjoy any lands, tenements, good and chatters necessary and proper to carry on the business aforesaid in all its branches, and for securing all debts that may become due, also all patents and patent rights that said company may deem of advantage to its business, and the same to sell, grant, lease, mortgage, convey and dispose of, and to have, enjoy and exercise all rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act, and that the said Albert Manvel, James C. Fairbanks, William W. Marston and Joseph Alward, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of extending to two hundred thousand dollars, divided into shares of one hundred dollars each; and said shares of stock shall be deemed to be personal property, and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company; and that it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real or personal or freehold property that may be purchased or leased by them; and when shares to the amount of fifty thousand dollars shall have been issued in accordance with the provisions of this act, then it shall be lawful for said company to commence and carry on their business.

Election of officers.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three nor more than seven in number, as said by-laws shall from time to time establish, of whom a majority shall be residents of this state; that said board shall organize by appointing one of their number president, and a suitable person secretary, and may afterwards appoint such officers and agents as they may deem necessary, and may remove the same at their pleasure, and may by their by-law fix their duties and compensation; and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office one year, and until others are

elected in their stead; and that the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all transactions of said corporation, which books shall at all times during business hours be open to the inspection of any stockholder of said company, or his legal attorney or attorneys; the principal office of said company shall be in the city of Elizabeth, in the county of Union.

Election of directors.

4. *And be it enacted*, That the directors of said company shall be chosen annually by ballot from among and by the stockholders, at such time and place and on such notice as said by-laws may fix; and that each share of stock shall be entitled to one vote, which may be given by the stockholders in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf or this act; and that any vacancy in the board hereby appointed either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or the majority of the same; and that in any election of directors, the persons having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

Payment of installments.

5. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them, from time to time to demand from the stockholders or others subscribing for the stock, all sums of money subscribed to said capital stock, in such proportions and at such times as they may deem proper, and if such payment shall not be made within thirty days after the day fixed for that purpose, fifteen days notice of the time and place of such payment being first published in one or more of the newspapers published in the county where said business is carried on, designating the amount of such payment per share, and the time when, place where, and the person to whom the same may be paid, such board may declare forfeited and forfeit to said company all installments paid on such subscriptions, and all right to the shares so subscribed for.

Powers and duties of the directors.

6. *And be it enacted*, That a majority of the directors from time to time shall form a board for transacting the business of the company, and may make such by-laws, rules

and regulations as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said company, not contrary to the constitution and laws of this state or of the United States, but no dividend shall be declared or paid except from the actual net profits of said corporation, and that no transfer of stock shall be valid until the same shall be entered in the book or books kept for that purpose.

How dissolved

7. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose, by the board of directors or a majority of them, giving thirty days' notice of such meeting in a newspaper published in the county where said business is carried on, at least once a week during said period; *provided*, three-fourths in the value of the stockholders be present or represented therein, and vote in favor of such dissolution; and upon such dissolution the directors for the time being, or the survivors or survivor of them, or such other person or persons as the board shall appoint for that purpose, shall be trustees or trustee for settling the affairs of the company, and paying its debts and dividing the surplus among the stockholders according to their respective interests therein.

Proviso.

8. *And be it enacted*, That it shall and may be lawful for the legislature of this state at any time hereafter to alter, modify or repeal this act, whenever the public good or the interests of said company may require.

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

Approved April 2, 1869.

CHAPTER DLXXIV.

Supplement to an act entitled "An Act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Morristown shall pay to the sheriff of the county of Morris, for the benefit of the county of Morris, all the jail fees and board of persons imprisoned in the jail of the county of Morris, for offences committed against the by-laws and ordinance of the said town of Morristown; *provided however*, that such ordinance and by-law shall not be founded upon any statute or other law of the state under which any justice of the peace may commit to the county jail. Common council shall pay jail fees. Proviso.

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

Approved April 2, 1869.

CHAPTER DLXXV.

An Act to incorporate the Perth Amboy Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William King, David T. Wait, Alfred Hall, Charles McKnight Smith, Cortlandt L. Parker, Marcus Spring, William Hall, Charles Annis, Wm. H. P. Benton, and James A. Gilman, of the city of Perth Amboy; Charles M. Dally, Elias B. Freemen, and J. Mattison Melick, of Woodbridge, in the county of Middlesex, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Perth Amboy Savings Institution," and by that name they shall have Corporators. Name.

perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may have a common seal, with power to change and alter the same from time to time, and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels, or personal estate, which shall be necessary for the purposes above recited, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of five thousand dollars.

May purchase and hold real estate.

Proviso.

First managers.

2. *And be it enacted*, That the institution shall be conducted by thirteen (13) managers, ten of whom shall be residents of the city of Perth Amboy; a majority of the managers shall be a quorum to do business; and the seat of any manager, who shall have neglected to attend for four successive meetings, may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution, and the managers shall hereafter meet on the first Monday in April, and choose one of their number as president; and they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary, which officers so chosen and appointed shall continue in office one year, and until others are chosen, and all officers so chosen shall be under oath for the faithful performance of their duties respectively; and such officers shall have power to appoint a clerk or clerks, and such other agents or servants as they, in conjunction with the managers, may deem necessary for conducting the affairs of the corporation, and to remove them at pleasure, and to appoint others in their stead, and to fix their salaries.

General powers.

3. *And be it enacted*, That the said board of managers shall from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers; for prescribing their respective functions, and the mode of discharging the same; for regulating the times and places of meeting of the officers and

managers, and for the transacting, managing and directing the affairs of the institution; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this and of the United States; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect any one who may have been a depositor previous to such alteration. Proviso.

4. *And be it enacted*, That the said corporation may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such sums, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such depositor at such times and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to the same by order of any court. May receive deposits.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated that the interest allowed to depositors having five hundred dollars or more deposited, shall be at least one per centum less than the interest allowed to other depositors, and so that no interest or dividend on account of said surplus fund shall be allowed for moneys which shall have been withdrawn from deposit. May regulate rate of interest. Proviso.

6. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by the president or managers for their services; nor shall they issue any notes or bills; nor shall any manager, officer or agent of the corporation be allowed, directly or indirectly, to borrow any money or moneys from the said institution, or to use the same except to pay necessary expenses; nor shall they have or hold any bonds, mortgages, or other securities for the payment of money drawn or endorsed by, or existing against any manager, officer or agent of the institution. No compensation to president or managers, nor shall they borrow money.

Investment of moneys.

7. *And be it enacted*, That the said corporation shall have power to invest money in all public stocks created under the laws of the United States and of the several states, and also in such bonds as may be issued by the counties and cities in this state, under the laws of this state; and also may make loans on bonds and mortgages on unincumbered real estate, worth at least double the amount of the sum invested.

Certificates of deposit binding.

8. *And be it enacted*, That all certificates or evidences of deposit, made under the hand of the proper officer of the corporation, shall be as binding as if the same were under their common seal.

Minors may make deposits and receive moneys.

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

Proviso.

May appoint a person to whom payment may be made.

10. *And be it enacted*, That a book shall be kept at the office of the corporation, in which every depositor shall be at liberty to appoint some person or persons, to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will; and all payments made to such persons so appointed shall be a full discharge to said corporation; and should no such appointment be made, such deposit on the decease of such depositor shall be paid to his or her legal representatives.

Limitation of deposits.

11. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dollar, and to avoid the calculation of days, they shall not be required to allow interest for the fractional part of a month.

All deposits to be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation; and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit, or payment, shall be regularly entered as soon made.

Vacancies, how filled.

13. *And be it enacted*, That the managers shall have power to fill up, by ballot, after notice of one month, any vacancy which may occur in their own body or officers, a majority of the members present to agree to all removals and new ap-

pointments; and no appointment or removal shall take place when a less number than a majority of the managers are present.

Annual statement.

14. *And be it enacted*, That it shall be the duty of the corporation to make an annual report to the comptroller of this state, and shall be verified by the oaths of the treasurer and a committee appointed for that purpose by the managers of said corporation, of three or more of their number, of the state of its funds, which statement shall be published in one or more newspapers in the county of Middlesex.

Principal office.

15. *And be it enacted*, That the office or place of business of the said corporation shall be in the city of Perth Amboy, and that the books of the said corporation shall be at all times open to such person or persons as the legislature may from time to time delegate for inspection and examination.

Misnomer not to vitiate any deed, &c.

16. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended; and that no misnomer of the said corporation in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *provided, also*, the legislature may at any time hereafter amend, alter or repeal this act.

Proviso.

17. *And be it enacted*, That this corporation shall continue in force twenty years, unless sooner repealed by the legislature, and that this act shall take effect immediately.

Approved April 2, 1869.

CHAPTER DLXXVI.

An Act relating to the Jersey City Water and Drainage Works.

Supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of Jersey City be and hereby are authorized in the manner hereinafter provided, to take and convey into and through Jersey City and such other places adjacent thereto as may desire the same, such portion of the water of Passaic river flowing between the villages of Acquackanonk and Belleville, as may be required to furnish the inhabitants of the said places with a sufficient quantity of pure and wholesome water for domestic and other purposes.

Authority exercised by a board of commissioners.

2. *And be it enacted*, That all authority granted or given by this act, shall be exercised exclusively by and through a board of commissioners to be appointed as hereinafter directed; and in pursuance of this authority, the said commissioners may employ all proper engineers, surveyors, clerks and other agents and assistants necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Commissioners may take and hold lands for these purposes.

3. *And be it enacted*, That the said commissioners shall, for and in the name of "The Mayor and Common Council of Jersey City," take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or for the construction of the sewerage works provided for in this act, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act; and may distribute water throughout the corporate limits of Jersey City, and through such portions of the counties of Hudson and Bergen as the inhabitants thereof may desire.

4. *And be it enacted*, That in case of any disagreement

between the commissioners and the owners of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof or damage sustained thereby; and who shall, after reasonable notice to the parties, of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county. Proceedings when commissioners and owners of land cannot agree.

5. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon, the mayor and common council of Jersey shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the land is taken, or the damage suffered. Report must be confirmed, and subsequent proceedings.

6. *And be it enacted*, That the commissioners in behalf of the mayor and common council of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley or court within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley or court to be restored to its original state, and all damages done thereto to be repaired. May have the right to use the streets, &c.

7. *And be it enacted*, That all contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the comptroller of Jersey City, or such other As to contracts.

officer as the common council may direct, and one shall be retained by the commissioners.

Proposals for contracts.

8. *And be it enacted*, That public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts, by publishing the same in two newspapers published in the county of Hudson for at least twenty days; and all proposals for contracts shall be for a sum certain, as to the price to be paid or received; and no proposition which is not thus definite and certain, or which contains any alternative, condition or limitation as to price, shall be received or acted upon; nor shall more than one proposition be received from any one person for the same contract, directly or indirectly; and all the propositions of any person offering more than one, shall be rejected; and every person or persons proposing as aforesaid, shall accompany such proposition with a bond, to be approved by the commissioners, conditioned to faithfully carry into effect his or their proposition, if accepted.

Security for contracts.

9. *And be it enacted*, That every person who shall enter into any contract with the commissioners, for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms; and no commissioner shall be interested, directly or indirectly, in any contract relating to said work.

Materials exempt from execution.

10. *And be it enacted*, That all materials procured, or partially procured, under contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due to such contractor, for such materials, to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Commissioners may issue certificates of debt or scrip.

11. *And be it enacted*, That for the purpose of defraying all the expenses and the costs of such lands as shall be taken or purchased for the purposes of this act, and for constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, said board of commissioners shall have authority to issue in the name of the said mayor and common council of Jersey City, notes or scrip, or certificates of debt, to be denominated on the face, "Jersey City Water Scrip," to an amount in the whole not exceeding

two millions of dollars, including the amount already issued, bearing an interest not exceeding seven per cent. per annum, and said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than fifteen, or more than fifty years from date; and the commissioners may sell the same, at public or private sale, at par or above at such time as the proceeds thereof may be required for the construction of the works, or may pledge the same, for money borrowed at a higher rate of interest, if in their opinion, the necessities of the work require such proceeding; *provided*, that no higher rate of interest be paid for any sum of money borrowed on a pledge of said scrip than at the rate of seven per cent. per annum, and the payment of all interest accruing beyond the amount which may be paid from the rents received for the use of the water, shall be provided for and paid by the mayor and common council of Jersey City, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary, above the other taxes authorized by law; all certificates issued as aforesaid, shall be signed by the commissioners, or a majority of them, and countersigned by the mayor of Jersey City; and a record of all certificates issued or disposed of shall be kept by the commissioners, and copies of such record shall be made and delivered to the treasurer of Jersey City; all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit in the state of New Jersey or in the city of New York, and be made payable to the joint order of the president, and at least two other members of the board only. Proviso.

12. *And be it enacted*, That the commissioners shall keep regular books of accounts, and books for recording the whole of their official proceedings; and the said commissioners, and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of Jersey City; the commissioners shall also on the first Tuesday in January, in every year, make a report to the said mayor and common council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same. Books of account to be kept.

13. *And be it enacted*, That the board of commissioners for the time being shall regulate the distribution and use of Commissioners shall regulate distribution of water.

the water, in all places and for all purposes where the same may be required, and from time to time shall fix the price for the use thereof, and the times of payment, and may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion.

May fix the prices charged for water, &c.

14. *And be it enacted*, That the water commissioners of Jersey City shall, from time to time, fix the prices to be charged for the use of Passaic water where the same is taken and used, and the owner and occupier of any house, lot or tenement, shall each be liable for the payment of the price so fixed; and the said commissioners shall also, from time to time, fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, if the same are situated upon any road, street, avenue, lane, alley or court in Jersey City, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated "water rents;" and the said water commissioners shall from time to time determine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith; and the water commissioners may, at any time after the twentieth day of December in each year, deliver to the mayor and common council of Jersey City, an account certified under the hands of the president, of all such water rents and penalties for delinquency as were due before said twentieth day of December and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, or whereon the water was used, for which such rent was charged, and a description or designation of such lot, and such certified account shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose; the said account and book, and duly certified copies thereof, shall be evidence of the facts contained therein; and the said mayor and common council may and shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties, and the interest thereon from said twentieth day of December, at the rate of twelve per centum per annum, and

Payment of water rents.

May sell lands

also costs, charges and expenses of advertising and sale, in the same manner as said mayor and common council are or may be authorized by law to sell lands in said city for the payment of taxes thereon, and said proceedings, and the effect thereof, shall be the same in all things as if the said lands were sold for taxes; and said mayor and common council shall, upon receiving the rents, penalties and interest from such sale, immediately pay over the same to said water commissioners, and until such sale said water commissioners shall have power to collect and receive said water rents and penalties, with interest thereon at the rate of twelve per centum per annum from such twentieth day of December, and the costs that may have accrued thereon, and shall, before such sale, certify to the city clerk what rents, penalties and interest thereon, contained in such certified account, have been since paid.

No contracts longer than three years.

15. *And be it enacted*, That the said commissioners shall make no contracts for the price of using the water for a longer term than three years, and at the expiration of any term or lease, the price for the use thereof shall be adjusted according to the regulations then established.

Water rents to pay interest and principal of scrip as well as expenses.

16. *And be it enacted*, That the water commissioners of Jersey City shall fix the aforesaid water rents or prices for water and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof the interest and principal of the "Jersey City Water Scrip," or bonds, as they respectively fall due; and such portions of the moneys received by the said commissioners as may remain, after paying all expenses for extending and maintaining the works and raising and distributing the water, and salaries, wages and incidental charges, shall be applied, first, to the payment of interest upon the debt created for the construction of the works; and next, to the purchase of the "scrip" or bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners, and allowed to remain as a sinking fund, to be applied to the payment of scrip at its maturity.

How water rents may be collected of occupier.

17. *And be it enacted*, That if the occupier of any tenement, or lot, for the use of water, upon which any water rent may become due while the same is occupied by him, shall refuse or neglect to pay the same when due, the owner of such tenement, or lot, may pay said rent and the penalties

thereon, with interest, and may recover the same with lawful interest thereon, from such payment of such occupier, by action, or in case such occupier is the tenant, or sub-tenant, of such owner, by action or distress, to be made and conducted in the same manner as a distress for rent for said premises, such distress to be levied in six months after such payment, and not to be levied for more than one year, with rent and the penalties, and interest thereon, and such rent, penalties and interest, shall in no case be recovered by such owner, or such occupier, unless, as between said owner and occupier, such occupier shall be by law bound to pay the same.

Authority of commissioners.

18. *And be it enacted*, That a majority of the said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission, and all contracts and engagements, acts and doings of the said commissioners within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and common council of Jersey City; and the said mayor and common council, and all real estate within Jersey City, and all goods and chattels within said city belonging to residents thereof, shall be liable for the payment of the principal and interest that may become due on the scrip or bonds to be issued by virtue of this act.

How actions may be prosecuted and defended.

19. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law or in equity, by the name of the "Water Commissioners of Jersey City," against any person or persons, for money due for the use of the water; for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury, or trespass, or nuisance done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners, as a body, to commence or maintain such action or process at law or in equity; but in all such cases they shall be considered from the time of the organization of the board as a corporation.

20. *And be it enacted*, That if any person or persons shall

maliciously or wilfully divert the water or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property, used or required for procuring or distributing the water shall in any manner wilfully or maliciously destroy, injure, or obstruct any works connected with the drainage of Jersey City, or shall unnecessarily or maliciously open any gates belonging thereto, or otherwise let off or waste the water, to the injury of any part of the said works, or shall, in any way, hinder or impede any of the operations intended to be accomplished thereby, he, she or they so offending, shall be considered guilty of misdemeanor, and on being convicted thereof shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had; *provided*, such fine shall not exceed the sum of fifty dollars, nor the imprisonment the term of one year; and such criminal prosecution shall in no wise impair the right of action for damages by a civil suit which may be brought by the water commissioners of Jersey City.

Penalty for injury to works.

21. *And be it enacted*, That for the security and proper management of the Jersey City water works and drainage works, and to prevent the waste or improper use of water, the water commissioners of Jersey City shall have power to make such by-laws, rules and regulations respecting the introduction of Passaic water into houses, tenements and manufactories, or other places where the same may be required, and may from time to time regulate the use thereof in such manner as shall seem to them necessary and proper; and also to fix and determine of what sizes and forms, and of what materials, and in what manner private drains shall be laid and connected with the sewers or drain pipes in the streets or thoroughfares in the city, and may fix the penalties to be recovered for breaches or evasions of all such rules; *provided*, such rules, regulations and by-laws are not inconsistent with the constitution and laws of the state of New Jersey, or of the United States, and that the penalty imposed in any one case shall not exceed the sum of fifty dollars.

Commissioners may make rules, &c., as to water and drains.

Proviso.

22. *And be it enacted*, That the water commissioners of Jersey City, and all engineers, superintendents or inspectors in their service, are hereby authorized and directed to enter at all reasonable hours any dwelling or other place where Passaic water is taken or used, or where unnecessary waste

May enter dwellings.

thereof is known or suspected, and examine and inquire into the cause thereof; and the said commissioners, engineers, superintendents and inspectors shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as the water commissioners may impose, and the supply of water shall also be shut off until the required examination is made, and such alterations and repairs are completed as may be found necessary.

Penalty for preventing access to hydrants, &c.

23. *And be it enacted*, That if any person shall place any stones, bricks, lime, sand, lumber, or any other article in such situation in any street, avenue, lane or alley, as to prevent access to any water pipe, stop-cock, or fire hydrant, belonging to the Jersey City water works, or to any man-hole, side culvert, or gully of any sewer or drain, or in such situation as to interfere with the regular action of such works, the owner or owners of such materials shall forfeit and pay for each offence the sum of twenty-five dollars, and ten dollars for each day such articles are suffered to remain in such situation after written notice from the water commissioners to remove the same.

Fines and penalties.

24. *And be it enacted*, That all fines, forfeitures, and penalties imposed by or under authority contained in this act, may be sued and recovered by an action of debt instituted in the name of the "Water Commissioners of Jersey City," before any justice of the peace, or in any court having cognizance in similar cases.

Lands exempt from taxation.

25. *And be it enacted*, That any lands or real estate taken, held, or occupied or used for the Jersey City water works, or any of the purposes thereof, shall be assessed and taxed in the manner prescribed by law, at the value of the land, exclusive of any pipes, buildings, machinery, or works of any kind placed thereon; and the whole of the said works, exclusive of the land, shall be exempted from taxation, and that within the county of Hudson the land as well as the works shall also be exempt.

26. *And be it enacted*, That the water commissioners of

Jersey City are hereby authorized and empowered to construct the sewerage works described in a plan submitted by them to the mayor and common council of Jersey City, in the year eighteen hundred and fifty-three, and by them approved, and at such times as the mayor and common council shall decide that the several parts are required for the benefit or convenience of the citizens, or the promotion of the public health.

Proceedings when a drain or sewer is to be constructed.

27. *And be it enacted*, That when application shall be made to the mayor and common council of Jersey City to have a sewer or drain made or constructed in any street, avenue, lane or alley in said city, by any one or more of the owners of lots fronting on any part of the line of the proposed sewer or drain, the same preliminary proceedings shall be had in relation thereto as are now authorized and directed by the charter, when applications are made for the construction of sewers; and if the mayor and common council, after considering the application and objections thereto, if any are made, shall decide that the sewer or drain applied for ought to be constructed, they shall give notice in writing of such decision to the water commissioners, who shall thereupon proceed and construct the said sewer or drain, and connect therewith the drain pipes required for draining the adjacent streets, the whole to conform in all essential particulars to the before mentioned plan.

How constructed.

28. *And be it enacted*, That the sewers authorized to be constructed in Jersey City by the water commissioners of said city shall not be constructed on the plans heretofore adopted and authorized in that part of said city east of Provost street, and between Pavonia avenue and North Fifth street; and no sewer shall be constructed in that part of said city except as hereinafter provided, but shall be so constructed as to drain the parts of said city lying west of Provost street, and between Pavonia avenue and North Fifth street, and along North First street west of Meadow street, as effectually and completely as could be done by the plan heretofore authorized and adopted, and that for that purpose the sewers authorized to be constructed in North Second, North Third, North Fourth and North Fifth streets shall, at Provost street, intersect and discharge into a sewer of sufficient dimensions, to be constructed in Provost street to North Fifth street, and thence along North Fifth street easterly to the Hudson river, and at such a descent as will carry off the water at or-

dinary low tide, with the same flow as it would have run along the sewers designed by the plans heretofore adopted.

How costs and expenses shall be assessed.

29. *And be it enacted*, That in assessing the expenses for constructing any sewer authorized by this act, which in any respect differs from the sewers authorized and established by the existing plan, the water commissioners of Jersey City shall not assess upon any lands except the lands east of Provost street, and between Pavonia avenue and North Fifth street, now owned by the Long Dock Company, any greater expense than said lots would have been subject to if said sewers had been constructed on the plans now authorized and adopted; and any excess of such cost and expense over and above what would have been the cost if constructed on the present plans, shall be assessed upon and collected from the land lying east of Provost street, and between Pavonia avenue and North Fifth street, which are now owned by the Long Dock Company; and such assessment may be made upon, and levied and collected from said lands, by such proceedings and sale as now are, or may be hereafter authorized by law to assess, levy and collect the costs and expenses of other sewers upon and from the lands in said city made subject thereto.

Repealer.

30. *And be it enacted*, That for the purpose of effectually executing and carrying out the plan of sewerage and drains, adopted as hereinbefore indicated, that all such parts of the charter of Jersey City, approved March eighteenth, eighteen hundred and fifty-one, and all such amendments thereto as relate to the alteration of the grade of streets, and all other parts of said charter or the amendments thereto, as contravene or are inconsistent with the true intent and meaning of the provisions of this act, be and the same are hereby repealed, and the water commissioners shall, within six months, file in

Shall file maps

the city clerk's office of Jersey City, a map or maps showing the proper height of all points in the streets of said city, with such alterations from time to time as shall become necessary to suit any changes which shall be made in the grades of sewers, which map and alterations shall be the authorized

Proviso.

grade map of Jersey City; *provided*, that no alteration shall be made in any grade unless with the consent of the common council after daily publication of the same in two of the city papers for the space of thirty days, and not otherwise than in the manner provided in the charter and supplements incorporating Jersey City.

31. *And be it enacted*, That it shall be lawful for the board of water commissioners to cause improvement certificates to be issued, under the hand of their president, attested by the signature of the registrar to said board, in such sums as may seem to them necessary, in payment for the construction of sewers or their appurtenances, now or hereafter to be authorized to be constructed by them, and that the same shall be made payable, with such rate of interest, not to exceed seven per cent. per annum, as they may deem best, which said certificates shall be paid out of the moneys realized from the assessments imposed for such sewers and appurtenances, and in default of the collection of the same, within eighteen months of the date thereof they, the said water commissioners, will, on thirty days' written notice by the holder, cause the same to be paid, with the interest which shall accrue on the same.

Certificates transferable.

32. *And be it enacted*, That the said certificates shall be made transferable, by endorsement, and be of like validity as to the security for their payment, as the other evidences of indebtedness authorized to be issued by this act.

Assessment made for sewers, &c.

33. *And be it enacted*, That when any sewer and the drain pipes, and other work connected therewith shall be completed, the water commissioners shall ascertain the whole cost thereof, and the number and sizes of all lots or separate parcels of ground drained thereby, and shall fix the amount to be paid for each in proportion to their dimensions, without reference to their situation or value; and to the whole ascertained cost the commissioners shall add interest at the rate of seven per cent. per annum upon all payments made on account of the work during its progress, from the time of payment until thirty days after the first publication of the notice hereinafter directed, and such interest shall be added to and constitute a part of the cost of the work; and when the proportion of the whole cost chargeable to each lot or parcel of ground is ascertained in the manner before directed, public notice shall be given by an advertisement, containing a full statement thereof, which shall be inserted one week in two newspapers printed in Jersey City, and notice shall also be given in the same manner of the place where payment will be received, if tendered within thirty days next succeeding the date of such notice.

Shall be a lien on lots.

34. *And be it enacted*, That when the whole cost of any sewer, and the works therewith connected, shall be ascertained

and the interest added, and the amount to be paid for each lot fixed, the same shall be a lien upon said lots respectively; and if the same shall not be paid at the end of the thirty days from the first publication of the notice provided for in the preceding section, then the said water commissioners shall make out and deliver to the mayor and common council of Jersey City, an account thereof, and certify that the same remains due and unpaid, and the mayor and common council shall thereupon order and direct the collector of revenue to proceed and collect the amount due, in the same manner that arrears of taxes and assessments are collected, and with interest thereon, from the end of the said thirty days, at the same rate, and the said collector shall thereupon proceed and collect the same in such manner.

May make a new assessment when one has been set aside.

35. *And be it enacted*, That if any assessment made by the water commissioners of Jersey City for the cost of the construction of any sewer, and the drains and works connected therewith shall have been set aside by themselves or any other competent tribunal, said water commissioners may make a new assessment of said cost, according to law, and the same shall be as valid and of the same effect as if it had been the first assessment, and shall be made, collected, and enforced in the same manner.

Assessments continued.

36. *And be it enacted*, That when any old sewer in Jersey City is wholly or in part taken up, to benefit other lots, by building a new sewer for the use of other lots not otherwise properly drained, instead of assessing to the lots heretofore assessed for the old sewer, their full share of the costs as now required by law, it shall be optional for the assessor to assess said costs and charges on the lots requiring such extension and use of such sewer and tributaries; or such proportion on the city and on the lots before assessed, for the old sewer, as in their judgment will be equitable and proper.

Lots off lines of sewers may be drained.

37. *And be it enacted*, That the water commissioners may permit parties owning lots off the line of any main sewer or lateral to drain the said land into the said sewer or lateral, upon payment of such an assessment as may be deemed just;

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and provided, however, that no assessment for this purpose shall be made or annual sum paid on any lot or parts of lots, the owners of which have heretofore paid an annual sum for the drainage of said lots or parts of lots into said sewer; *and*

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provided, also, that where the construction of any such sewer or lateral shall obstruct the natural drainage of any lot or

lots, the commissioners shall provide an outlet for said water, or permit the owner or owners of any such lots to drain into said sewer, under certain restrictions, or until they provide a sewer.

Repairing and cleaning sewers.

38. *And be it enacted*, That the water commissioners of Jersey city shall have exclusive power over and take full charge of the repairing and cleansing of all public sewers, and the necessary parts thereof, constructed in Jersey City, and that for the purpose of enabling the said commissioners to pay the expenses incident to such repairs and cleansing, they are hereby authorized to impose upon each lot of land in said city, embracing twenty-five hundred square feet of land or less, an annual tax not exceeding fifty cents, which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as water rents are now assessed and collected.

Proceedings before making canal for draining.

39. *And be it enacted*, That before the canal or other receptacle for flushing water, forming a part of the aforesaid plan for draining Jersey City, with the approval of the common council, shall be made or commenced, the water commissioners of Jersey City shall cause the route for the same to be carefully surveyed and distinctly marked, and a correct map made thereof, and shall obtain detailed estimates of the probable cost of constructing the same; and the said water commissioners shall give public notice by an advertisement published at least two weeks in all the newspapers printed in the county of Hudson, of the time at which they will present certified copies of the said map and estimates to the circuit court, at a regular session thereof, to be held in and for the county of Hudson, and ask for the appointment of commissioners hereinafter directed; and the said court, after receiving and considering the said map and estimates, and hearing the parties interested in the matter, shall appoint three judicious disinterested men, not residents of the county of Hudson, as commissioners to apportion and assess the estimated cost of said canal upon all such real estate lying in Jersey City, or adjacent thereto, as will in their opinion be benefited thereby.

Appointment of commissioners.

Public notice of meeting to be given.

40. *And be it enacted*, That the commissioners so appointed shall give public notice to all concerned of the time and place at which they will meet for the purpose of performing the duties herein directed, by causing the same to be published at least two weeks in each newspaper printed in

the county of Hudson; and they shall personally examine the route of the proposed canal surveyed and marked as hereinbefore directed; and after hearing such parties as claim to be interested therein, and considering all matters relating thereto, shall make out and present to said court a report, in writing, containing a list of all such land as in their opinion ought to be assessed for the payment of the cost of the said canal and the proportion of the whole cost which ought to be charged to each separate parcel thereof.

If the report of the commissioners is confirmed the work shall be proceeded with.

41. *And be it enacted*, That if the report so made and presented shall be approved and confirmed by the said court, the county clerk of the county of Hudson shall give notice thereof to the water commissioners of Jersey City, by delivering to them a certified copy of said report, with the action of the court in relation to the matter endorsed thereon; and the said water commissioners shall, on a receipt thereof, be authorized to proceed and construct the said canal; and when completed shall ascertain the whole cost of the same, and collect the amount so ascertained from the owners of the land described in the report of the commissioners of appraisement, and in the proportions fixed therein, with the legal interest accruing thereon from the time the amount is ascertained until the day of payment; and if the whole, or any part of the sum or sums so ascertained and assessed shall remain unpaid for a longer time than thirty days after the date of a notice to be published by said water commissioners, that the canal or other work is completed, and payment is due therefor, the same measures shall be pursued to enforce the payment thereof, as are directed in the thirty-fourth section of this act.

Council may take up sewers.

42. *And be it enacted*, That it shall be lawful for the common council of Jersey City, whenever in their estimation the public good will be promoted thereby, and application shall be made to them as directed in the twenty-seventh section of this act for such purpose to direct, in the manner provided in said section, the water commissioners of Jersey City to take up any sewer or sewers constructed prior to the adoption of the plan named in this act; whether directed in said plan to be taken up or not, or any sewer or sewers, or parts thereof, which may have been constructed, or ordered to be constructed, according to said plan, and which may have proved in the estimation of said water commissioners, inoperative for the purposes for which the same were intended, and to re-

build the same in conformity with the said plan, whereupon it shall become the duty of the said water commissioners to take up and rebuild said sewers in the manner now authorized for other sewers in said city.

Water commissioners may issue bonds for taking up sewers.

43. *And be it enacted*, That for the purpose of enabling the said water commissioners to pay the cost and expenses incident to the taking up and rebuilding the sewer or sewers, or parts thereof, in the forty-second section of this act mentioned, it shall be lawful for the said commissioners to issue bonds from time to time as occasion may require, payable in not less than five years, and at such rates of interest not exceeding seven per centum per annum as they may deem expedient; and impose upon each lot of land in said city, embracing twenty-five hundred square feet or less, an annual tax not exceeding one dollar, which shall be appropriated in their discretion to the payment of the interest and principal of said bonds as the same shall become due, and appropriated to no other purpose, which said tax shall be a lien upon said lots of land respectively, and shall be assessed and collected in the same manner as water rents are now assessed and collected.

Proceeds of tax, how invested.

44. *And be it enacted*, That it shall be lawful for the said water commissioners, from time to time, to invest the proceeds of the tax provided for in the preceding section of this act in such manner as to them may seem advisable and judicious, and to change such investment when in their judgment the interest of the public may demand the same, to the end that the amount so levied may be increased by the cumulation of interest thereon; *provided*, that nothing in this section contained shall be construed as restraining the said commissioners at any time from appropriating any part of said proceeds to the payment of the interest or principal on said bonds, as prescribed in the said section of the act.

Proviso.

Bonds thus issued valid.

45. *And be it enacted*, That the bonds authorized to be issued in the forty-third section, shall be of the same force and effect, and as valid for all the purposes directed by law, as the other bonds or scrip authorized by this act, and that the same may be negotiated and pledged in the same manner and on the same terms as directed for the bonds heretofore authorized.

Board of water commissioners.

46. *And be it enacted*, That Andrew Clerk, Noah D. Taylor, George McLaughlin and Patrick Reilly, together with the president of the board of aldermen of Jersey City, for

the time being, shall constitute the board of water commissioners, and that the term of office of one commissioner shall expire on the first Monday in May in each year, following the order in which they are above named.

How elected.

47. *And be it enacted*, That at the charter election to be held in said city, in the year eighteen hundred and sixty-nine, and every year thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission by death, resignation or otherwise, shall be filled by the common council of Jersey City, until the next annual charter election for officers in said city, when the same shall be filled by an election by the people for the unexpired term; and in no case shall a water commissioner be an alderman, except the president of the board ex-officio; and each of the said commissioners, except the president of the board of aldermen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office shall give a bond of twenty thousand dollars, with two good and sufficient sureties, to the mayor and common council of Jersey City, and to be approved by said mayor and common council, for the faithful performance of their duties as such commissioners.

Qualifications.

48. *And be it enacted*, That the said commissioners so appointed and elected, shall be citizens of this state, residents of Jersey City, of the age of at least thirty years, and shall have been residents of said city for at least three years next before their appointment; and that they shall, before entering upon their duties as commissioners, each take and subscribe an oath faithfully to perform the duties of water commissioners of Jersey City according to law, which oath shall be administered by any notary public of this state, or the city clerk of Jersey City, and filed by said city clerk in his office.

Duty of the president of the board.

49. *And be it enacted*, That it shall be the duty of the president of the board of said water commissioners to take the general charge, supervision and direction of the Jersey City water and drainage works, and of all officers, agents, overseers, inspectors, workmen and others employed in the care and management of the same, subject to the special direction and general rules of the board; and it shall also be the duty of the said president and at least one of the other commissioners to visit the engine house and inspect the pumping

engines and other machinery, the reservoirs and other parts of the water works, once in each month, or oftener, if necessary; and to make and preserve, in a book to be provided for that purpose, a record of all such visits, with remarks upon the condition in which the several parts of the water works were found, and upon the conduct of those having charge thereof.

Salary of the president.

50. *And be it enacted*, That the salary of the president of said board of water commissioners shall not exceed the sum of one thousand dollars per annum, to be paid out of any money belonging to said board.

Commissioners may be removed for cause.

51. *And be it enacted*, That the mayor and common council of Jersey City shall at any time remove any commissioner; *provided*, it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper; and two-thirds of all the members elected to the said common council shall concur in such removal.

Repealer.

52. *And be it enacted*, That the act entitled "An Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and the several supplements thereto, and all acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 2, 1869.

CHAPTER DLXXVII.

A Supplement to the "Act for the government and regulation of the State Prison.

Daily record of conduct of prisoners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be the duty of the inspectors of the state prison to assign to the clerk, or some other officer thereof, the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the keeper to see that the said record is regularly made and preserved under his care.

Remission of term.

2. *And be it enacted*, That when the inspectors shall be satisfied that the said record is properly kept, they shall direct the keeper, for every month of faithful performance of assigned labor by any convict in the state prison, to remit to him two days of the term for which he was sentenced; for every month of continuous orderly deportment two days, and for every month of manifest effort at intellectual improvement and self control, to be certified by the moral instructor, one day; *provided, nevertheless*, that in any month in which a convict shall have merited and received punishment, no such remission of sentence shall be made; and in case of any flagrant misconduct by any prisoner, it shall be lawful for the inspectors to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Proviso.

Further remission.

3. *And be it enacted*, That on the recommendation of the keeper and moral instructor, it shall be lawful for the inspectors to remit an additional day per month to every convict who for twelve months preceding shall have merited the same by his continuous good conduct in the particulars above mentioned, and for each succeeding year of uninterrupted good conduct, progressively to increase the remission one day per month for that year.

If again convicted shall serve out the time remitted.

4. *And be it enacted*, That if any person who has partaken of the clemency of this act shall be again convicted and sentenced to the state prison, he shall, in addition to his said

sentence, be required to serve out the number of days remitted to him or her on the previous term.

5. *And be it enacted*, That all sentences of imprisonment in the state prison made by any court of this state for a term of months or years, shall be construed and understood to be made under and subject to the provisions of this act. All sentences made to be subject to this act.

6. *And be it enacted*, That the supplement to the "Act for the government and regulation of the state prison," approved April fourteenth, eighteen hundred and sixty-eight, be and the same is hereby repealed. Repealer.

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

Approved April 2, 1869.

JOINT RESOLUTIONS.

NUMBER I.

Relative to the Harsimus Cove Commission.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state shall audit and pay by warrant on the certificate of the attorney general, the actual expenses (including the traveling expenses of the several members) of the commission to fix the compensation for the lands in Harsimus Cove, granted by the state to the United Railroad and Canal Companies, and such sum as compensation to the members of the said commission and the counsel acting on the part of the state respectively, as the supreme court shall fix and certify as proper. Supreme court to fix compensation of commission and counsel for the state.

Approved March 2, 1869.

NUMBER II.

Relative to the Navigation of the Delaware River.

WHEREAS, the navigation of the river Delaware to the city of Trenton, New Jersey, at the head of tidewater, is a matter of much commercial importance to a large and growing population of the state of New Jersey; and Preamble.

whereas, the opening of said navigation for steamboats and other vessels of moderate tonnage is entirely practicable; therefore,

Members of congress requested to procure appropriation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our members of congress, both in the senate and house of representatives, be and are hereby requested to procure, if possible, an appropriation from congress for the purpose of removing obstructions and improving the navigation of the river Delaware between White Hill and the city of Trenton, at the head of tidewater in the state of New Jersey.

2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolutions as soon as possible to the members of congress of the United States from New Jersey.

Approved March 18, 1869.

NUMBER III.

Making an appropriation for the support and maintenance of the State Prison for the year eighteen hundred and sixty-nine.

Support of the state prison.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifty thousand dollars be and the same hereby is appropriated, out of any funds in the treasury, for the support and maintenance of the state prison for the current year, to be paid to the supervisor on the warrant of the comptroller, at such times and in such amounts as the board of supervisors may direct.

2. *And be it resolved*, That this joint resolution shall go into effect immediately.

Approved April 1, 1869.

NUMBER IV.

Relative to the Stevens Battery.

Preamble. WHEREAS, by the last will and testament of the late Edwin A. Stevens, deceased, the vessel known "as the Stevens Battery" is, when finished, to be offered to the state of New Jersey as a present, to be disposed of as the state shall deem proper; and whereas the executors of said will in a communication addressed to the governor of this state, represent that they are now going on to complete the said vessel and that they shall offer the same to the state of New Jersey as soon as it is finished, and suggesting that, inasmuch as the details of completion should be to some extent, varied, more perfectly to meet the requirements of such disposition of it "as the state may deem proper," the state shall appoint some person or persons to advise them as to the probable disposition of the ship, and as to the details of her completion; and whereas, the governor by his message of the twenty-second of March, eighteen hundred and sixty-nine, has suggested that persons be appointed by the state authorized to concur and advise with the executors as to the mode of completing the battery, and with the concurrence of the executive department, enter upon such negotiations as to its ultimate disposition as they may deem proper and the legislature may hereafter sanction, therefore,

Acceptance of vessel and appointment of commissioners. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey will accept the said vessel when the same shall be finished and offered to the state pursuant to said will, and that the governor be and he is hereby authorized and empowered to appoint three suitable persons as commissioners to hold their offices until the said battery shall be finished, and to fill any vacancy that may happen in such commission by death or otherwise.

Powers of the commissioners. 2. *And be it resolved*, That the said commissioners together with the governor, shall have power to determine by majority vote, of which majority the governor shall be one, to what use the said vessel shall be devoted, to inform the

said executors of such determination, to advise with them as to the details of the completion of said vessel, and to negotiate for the final disposition of said vessel when finished and delivered to this state.

Report to the legislature.

3. *And be it resolved*, That the governor and the said commissioners shall annually, and oftener if required, report to the legislature their proceedings had under this resolution, and no contract or agreement for the sale or other final disposition of the ownership of said vessel shall be valid or effectual until reported to, and ratified by the legislature.

4. *And be it resolved*, That these resolutions shall take effect immediately.

Approved April 1, 1869.

NUMBER V.

Relative to compensation of Commissioners on Prison Discipline.

Compensation of commissioners.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be and he is hereby authorized, upon the warrant of the comptroller, to pay to the commissioners on prison discipline, appointed by the joint resolution approved April ninth, eighteen hundred and sixty-eight, the amount of their actual expenses over and above the sum of money mentioned in the said resolution, in which shall be included the per diem pay of five dollars for forty days of actual service.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 1, 1869.

PROCLAMATION.

A Proclamation by the Governor of New Jersey.

The events of the past year afford abundant cause for most heartfelt thanksgiving to Almighty God.

Our country seems to be entering upon a new life of peace and prosperity. Commerce, manufactures, and the pursuits of agriculture are incited to renewed vigor and activity. Personal liberty and public security seem to be insured to us for all time. The enduring triumph of the principles of free government over rebellion and anarchy in this land is regenerating the nations of the earth, and the liberal principles of equality and recognition of man as man are working a good throughout the world, which none can limit.

Let us then thank God for these and all other mercies. Let us especially thank Him for His blessings upon this our beloved State—that while increasing in every material wealth we have been during the past year exempted from all natural convulsions, pestilence and famine—that our citizens in the enjoyment of the fullest liberty are a moral, virtuous and law abiding people—that the poor and indigent have been cared for, the disabled soldiers of the State supported and their orphans protected, and that the opportunities of education and advancement are open to all.

For these reasons, and in accordance with established custom, I, Marcus L. Ward, Governor of the State of New Jersey, do hereby set apart and appoint Thursday, the twenty-sixth day of November, instant, as a day of Thanksgiving, Prayer and Praise, and I do recommend that upon that day the people of this State assemble in their various places of worship and prayer, and while humbly acknowledging the

mercies of our all gracious Father in the past, do invoke Him to be with us in the future.

Given under my hand and privy seal, at the city of Trenton, on the fifth day of November, Anno [L. S.] Domini, eighteen hundred and sixty-eight, and of the independence of the United States the ninety-third.

MARCUS L. WARD.

Attest:—

WILLIAM L. DAYTON, *Private Secretary.*

ACCEPTANCE OF ACTS.

RESOLUTION.

At a meeting of the stockholders of the West Jersey Ferry Company, convened at the West Jersey hotel, in the city of Camden, New Jersey, on the twenty-fourth day of March, anno domini eighteen hundred and sixty-nine, a preamble and resolution, of which the following are copies, were unanimously adopted, viz:

"WHEREAS, by an act of the legislature of the state of New Jersey, approved on the seventeenth day February, anno domini eighteen hundred and sixty-nine, and entitled "A Supplement to the act entitled 'An Act to incorporate the West Jersey Ferry Company,' passed on the thirty-first day of January, eighteen hundred and forty-nine," authority was given to the stockholders of said company, convened as in said act prescribed, to reduce the capital stock of said company to any amount, not less than one hundred and fifty thousand dollars, either by reducing the par value of the shares of said stock, or by a surrender of shares of stock, on the part of the stockholders; and whereas, this meeting is now convened in the mode and according to the provisions of the said act; therefore,

"*Resolved*, That it is expedient to reduce the capital stock of said company to one hundred and fifty thousand dollars, by a reduction of the par value of the shares of said stock, from five hundred dollars to two hundred and fifty dollars per share, and that we hereby, according to the statute, do so reduce the said capital stock to one hundred and fifty thousand dollars.

"In witness whereof, by order of the Board of Directors of said Company, we, the President and Secretary thereof, have caused the common seal of said company to be hereto affixed, and our hands to be hereunto subscribed, this twenty-ninth day of March, in the year of our Lord, one thousand eight hundred and sixty-nine.

[SEAL.]

"JAMES B. DAYTON, *President.*

"EDWARD BROWNING, *Secretary.*"

Filed March 30, 1869.

H. N. CONGAR,
Secretary of State.

At an annual meeting of the stockholders of the Crosswicks and Trenton Turnpike Company, held according to legal public notice at the house of Moses Johnson, Yardville, on the 12th of 4 mo. (April), 1869, the following resolution was adopted:

"*Resolved*, That the par value of the shares of stock of said company be and the same is hereby reduced to twenty-five dollars, according to the provisions of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the Crosswicks and Trenton Turnpike Company,'" approved March 24th, 1869, and that the president and secretary be authorized to file a copy of this resolution in the office of the secretary of state.

"SAMUEL ALLINSON,
President.

{Corporate seal Trenton and Crosswicks Turnpike Company.}

"AMOS E. MIDDLETON,
Secretary."

Endorsed, "Crosswicks and Trenton Turnpike certificate of reduction of value of stock."

Filed April 24, 1869.

H. N. CONGAR.

To all to whom these presents shall concern:

WHEREAS, the legislature of New Jersey, at its late session, passed an act entitled "An Act relative to transit duties," which was approved on the fourth day of March, in the year eighteen hundred and sixty-nine; and whereas, the Joint Board of Directors of the United Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, did on the eleventh day of March last adopt the following preamble and resolutions, that is to say:

"WHEREAS, an act was passed by the legislature of this state and approved on the fourth day of March, instant, (1869), entitled "An Act relative to transit duties," by the third section of which it is declared that this act shall not apply to any corporation having a contract with this state in reference to taxation, unless, within three months from the passage thereof, this act and its provisions be accepted by the board of directors of such corporation in place of said contract, and a certificate of such acceptance, under the corporate seal of such corporation, be filed in the office of the secretary of state; therefore,

"*Resolved*, That the United Companies, to wit: the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, accept the said act and each and every provision thereof, in lieu of all existing arrangements and laws for the taxation of the said companies and each and every of them.

"*Resolved*, That a certificate of said acceptance be made under the corporate seals of the said companies respectively, and filed in the office of the secretary of state of this state, according to the terms and requirements of said act."

Now, therefore, in pursuance of the requirements of the said act, and in pursuance of the said resolutions, it is hereby declared by the said United Companies, that is to say: the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, that the said

companies do accept the said act of the legislature of New Jersey, and each and every provision thereof, in lieu of all existing arrangements and laws for the taxation of the said companies and each and every of them, and of all contracts with the said state therefor.

In witness whereof the said companies have hereto caused their several corporate seals to be affixed, and the signatures of their several Presidents to be subscribed this nineteenth of April, in the year of our Lord one thousand eight hundred and sixty-nine.

WM. H. GATZMER,
President.
Attest: SAML. J. BAYARD,
Secretary.
{Corporate Seal, Camden and Amboy Railroad and Transportation Company.}

R. F. STOCKTON,
President.
Attest: JOHN P. STOCKTON,
Secretary.
{Corporate Seal, the Delaware and Raritan Canal Company.}

A. L. DENNIS,
N. J. R. R. & Trans. Co.
Attest: FRED. W. RANKIN,
Sec'y N. J. R. R. & Trans. Co.
{Corporate Seal.}

Endorsed, "Acceptance by the United Companies of the Transit Duty Act.
"Filed May 5th, 1869.

"H. N. CONGAR,
"*Sec. of State.*

State of New Jersey: I, Horace N. Congar, secretary of state of the state of New Jersey, do hereby certify the foregoing to be a true copy of a paper purporting to be an "Acceptance by the United Companies of the Transit Duty Act," as the same is taken from and compared with the original filed in my office on the fifth day of May, A. D, eighteen hundred and sixty-nine, and now remaining on file and of record therein.

{OFFICIAL SEAL.} IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Trenton, this fifth day of May, A. D. eighteen hundred and sixty nine.

H. N. CONGAR.

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