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CATALOGUED

ACTS

OF THE

EIGHTY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

FIFTEENTH UNDER THE NEW CONSTITUTION.



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1859.

ACTS

OF THE

EIGHTY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY.

CHAPTER I.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Weehawken Ferry Company," approved March twenty-fifth, eighteen hundred and fifty-two.

Company authorized to increase capital stock and to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company are hereby authorized to increase their capital stock to twenty thousand shares, and to issue their bonds, bearing interest not exceeding seven per cent. per annum, and to secure the payment of such bonds the said company shall have the power to convey or pledge, by way of mortgage, trust, or otherwise, the whole or any part of the property and franchises of said company.

Company may purchase and hold real estate.

2. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such lands adjoining or near the said ferry as they may deem necessary, and to pay for the same in the shares of the capital stock, or in the bonds of said company, and may receive, hold

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and execute all instruments and conveyances necessary for the purchase, sale, allotment, division, lease, mortgage, or other disposition of such property by subscription or otherwise, as said company shall deem most advantageous, anything to the contrary notwithstanding; and shall have the right to improve any lands held by them, by laying out into lots, streets, roads, squares, cemeteries, or other divisions, and to level, grade, or tunnel the same; and may build any structures which they may deem necessary for the said ferry, commercial, shipping or other purposes, and shall have the right to collect, receive, demand and sue for all wharfage, dockage, and cranage, which they may levy upon any wharf, dock, pier, slip, or bulkhead erected or owned by the said company.

Limitation. 3. *And be it enacted*, That all things in said act, and in the supplement thereto, approved March twentieth, eighteen hundred and fifty-seven, inconsistent with this supplement, are hereby repealed, and this act shall continue in

Proviso. force thirty years; *provided*, said company shall only hold lands and carry on their operations in the counties of Hudson and Bergen, and shall not hold more than one thousand acres at any one time.

THOS. H. HERRING,
President of the Senate.

EDWIN SALTER,
Speaker of the House of Assembly.

Approved February 3, 1859.

WM. A. NEWELL.

CHAPTER II.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Newark Savings Institution," passed February twenty-fifth, eighteen hundred and forty-seven.

Part of former act repealed.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of said act as provides that five managers shall be chosen from the townships named in the first section of said act, is hereby repealed, and that five managers may be chosen from the said townships, one from each of the same.

Rate of interest.

2. *And be it enacted*, That the rate of interest may at the discretion of the managers, be so regulated, that the interest allowed to depositors having more than five hundred dollars deposited, may be at least one per cent. less than the interest allowed to other depositors; and that so much of the fifth section of said act inconsistent herewith, is hereby repealed.

Compensation to managers.

3. *And be it enacted*, That so much of the sixth section of said act as prohibits compensation to managers for actual services performed by them for said corporation is hereby repealed, and all compensation to be allowed to managers shall be first determined upon by the board of managers at their meetings.

Money, how to be invested.

4. *And be it enacted*, That the said corporation, in addition to the power given by the said act, and by a supplement thereto, approved March fifth, eighteen hundred and fifty, may invest money in the stocks and bonds issued by the several states, and also in such bonds as may be issued by the several counties and cities in the different states under the laws thereof, and also may make temporary loans upon personal securities with pledges of collateral securities at least equal to the amount loaned, to an amount not exceeding at any time of twenty per centum of the whole

amount of the assets and securities of the said corporation.

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

Approved February 9, 1859.

CHAPTER III.

AN ACT to incorporate the Benevolent Society of United Sons of Erin, of Paterson.

Society incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are, and hereafter may become members of the Benevolent Society of the United Sons of Erin, of the city of Paterson, shall be, and they are hereby constituted, appointed, and ordained a body politic and corporate, in name and in fact, by the name and style of "The Benevolent Society of United Sons of Erin, of the city of Paterson."

Election of officers.

2. *And be it enacted*, That the said corporation shall, and may have a president, two vice presidents, finance secretary, recording secretary, treasurer, and four wardens, all of whom, except the treasurer and finance secretary, shall constitute a board of directors, and who shall be chosen by a majority of the members of said corporation, present at the election of said directors, at such times and in such manner as the by-laws of said corporation may direct, and

which said directors shall hold office for one year from their election, and until others are elected in their stead; and that such elections shall be by ballot, and that in case any vacancy or vacancies, in either of said offices, shall at any time happen, by any cause whatsoever, such vacancy or vacancies, shall, and may be filled up for the remainder of the time for which said officers were appointed, by a special election for that purpose to be held in the same manner as the aforesaid election, and at such times and places as by the by-laws of said corporation shall be provided for.

Board of directors.

3. *And be it enacted*, That the present officers of the society as now elected, shall constitute the board of directors of said corporation, until the next election of officers therein.

What property society may hold.

4. *And be it enacted*, That the said society have power to hold, take, possess, enjoy, purchase, sell, or dispose of any real or personal estate, not to exceed in value the sum of twenty thousand dollars for the benefit of the corporation; *provided*, that the estate of the said corporation shall not at any time be applied or appropriated to any purpose or object, other than that of a charitable purpose, or for the relief of the members, or families of the members of said corporation.

Proviso.

General powers.

5. *And be it enacted*, That the said corporation, and their successors, shall and may, from time to time, enact and establish by-laws, alter and amend on and abrogate the same, as they from time to time may deem proper, for the appointment of times and places for the election of officers, for the terms, conditions and manner of the admission of members, and of the amount and sums every such member shall contribute and pay into the funds of said corporation, and of the time and manner of paying the same; and also for the management, application and disposition of the funds, estate, effects and property of the said corporation; for the purpose of carrying the objects thereof into effect; for fixing the times and places of the meeting of the corporation, and the manner of conducting the proceed-

ings thereof, and touching the conduct and duties of the officers; to demand and have of and from the treasurer thereof, such security or securities, and in such sum or sums, as they from time to time may deem necessary and proper, and for imposing any penalties for the breaking and violating any of the by-laws duly established, and also for such other matters and things as may appertain to the affairs, business and purposes for which said corporation is by this act constituted, and for no other purposes whatsoever; *provided always*, that such by-laws, and penalties imposed for the violation of them, or any of them, be not repugnant to the constitution and laws of the United States or of this state.

Proviso.

Qualification for membership.

6. *And be it enacted*, That no person shall be admitted a member of this corporation unless he be a citizen of the United States or at the time of, or within three months after his admission, shall produce before said corporation a certificate from the proper officer, as designated by the act of Congress in such cases made and provided, of his having declared his intention to become such citizen, and on failure thereof, such person shall not be considered or taken to be a member of said corporation; and whenever any member of said corporation shall violate and break any of the by-laws, as aforesaid provided for, and shall become liable to any penalty imposed by such by-laws, and neglect or refuse to pay the same, it shall and may be lawful, in any such case, for the said corporation to expel any such member from the said corporation, and to prosecute at law for said penalty; *provided always*, that any member of this corporation shall be at full liberty to withdraw himself therefrom at any time, on giving notice in writing of his intention, to the president thereof for the time being, at any of the stated meetings of the same, first paying into the treasury of said corporation all arrears of contribution or fines from him due at the time of such notice; *and provided further*, that no member shall be expelled unless at least two-thirds of the votes of all the mem-

Proviso.

Proviso.

bers present, at one of the stated regular meetings of said corporation, approve thereof.

Members withdrawing or expelled not to receive benefit, &c.

7. *And be it enacted*, That every member of the said corporation, withdrawing himself, or expelled from the same, shall thereafter be prevented from having or receiving any benefit, advantage, or interest whatsoever from and in the funds, property, or estate of the said corporation; and that all payments, contributions, and advances, made by any such member to the funds of the same, shall be forfeited, and belong to said corporation.

Public act.

8. *And be it enacted*, That this act is hereby declared to be a public act, and that the same be, in all courts, construed favorably to the beneficial purposes herein contained, and shall take effect immediately.

Approved February 9, 1859.

CHAPTER IV.

AN ACT for the relief of the sureties, and to settle the business of Richard C. Ballenger, late sheriff of the county of Salem, deceased.

Preamble.

WHEREAS, Richard C. Ballenger, late sheriff of the county of Salem, departed this life on the twenty-first day of October last; AND WHEREAS, the said sheriff, at the time of his death, held a number of writs of *fieri facias*, unexecuted and partly executed, for the payment of which his sureties have become liable; therefore,

S. Plummer authorized to execute writs, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Plummer, esquire, one of said sureties, be and he is hereby authorized and empowered to take said writs of execution, and by virtue of the same, to make and complete a just and true inventory of the goods, chattels, lands, and tenements, of the several and respective defendants therein named, and to make return of the said writs to the next stated term of the respective courts, to which the said writs were returnable; and shall have as full power and authority to levy upon, seize and sell the estate, real and personal, of the said several defendants, and make deed or deeds for the same, and in all things to execute the said writs of execution, as if the same were made returnable to the next stated terms of the said several courts, and as any sheriff might or could have by law in cases of execution to him directed, and shall be entitled and liable to the like fees and penalties; *provided*, that nothing herein contained shall in any wise affect the rights of any other judgment creditors of any of said defendants.

Proviso.

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

Approved February 10, 1859.

CHAPTER V.

A SUPPLEMENT to the act entitled "An act to incorporate the Burlington and Jacksonville Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act incorporating "The Burlington and Jacksonville Turnpike Company" as authorizes or may require the said company to make and construct a turnpike along and upon that part of the road known as the Springfield road, between the intersection of the said Springfield road and the Oxmead road, and the intersection of the said Springfield road and the road leading from the Three Tuns to Mount Holly, in the village of Jacksonville, be and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That all other, the rights, powers, franchises and privileges, granted by their charter to the said company, shall continue to be held, used and enjoyed by them as heretofore, notwithstanding such repeal; and so with respect to that part of the turnpike road already made and constructed by the said company, from the intersection of York and Federal streets, in the city of Burlington, to the intersection of the said Springfield and Oxmead roads, in as full and ample manner, and under and subject to the same provisions and restrictions, as if the said charter had originally authorized the construction of said turnpike road only so far as the same has been constructed, and no farther, along and upon the said Springfield road. All other rights, &c., of company to be held and enjoyed.

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

Approved Feb. 10, 1859.

CHAPTER VI.

AN ACT to incorporate "the Essex and Hudson Agricultural and Mechanical Association."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel J. Gustin, Ezra Nye, William Redmond, John C. Littell, J. H. Gautier, Henry K. Toler, James H. Halsey, B. F. Woolsey, Oliver S. Halsted, jr., Francis S. Lathrop, John Chadwick, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Essex and Hudson Agricultural and Mechanical Association," with the power to purchase, hold, and improve such real estate as may be necessary for the purposes of said society, and power to sell and convey the same, and with all the powers, rights, and incidents of a corporation under the laws of the state of New Jersey.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of two hundred dollars each, and paid in by the stockholders at such time and in such manner, and in such instalments, as the directors of said company may direct, and in such penalties for neglecting the payment of such instalments as the said directors shall deem advisable; and such shares shall be deemed personal property, and be transferable in such manner as the company, by their by-laws may appoint; *provided*, that at least thirty days' notice, in writing, shall be given to each of the stockholders, of the time when the shares are required to be paid in.

Proviso.

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, and 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 notice thereof at least two weeks, by publishing the same for two weeks

in some newspaper published in this state, and circulating in the counties of Essex and Hudson: and as soon as five hundred shares are subscribed, and the sum of fifty thousand dollars paid in, a like publication as aforesaid, for the space of two weeks, shall be given for the meeting of the stockholders to choose eleven directors, who shall hold their office for one year, and until others are elected.

Subscription books and money to be delivered to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to the directors elected as aforesaid, the subscription books and moneys paid in, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized, to hold their first meeting, and commence business.

Commissioners to lease or purchase land.

5. *And be it enacted*, That Samuel J. Gustin, Ezra Nye, William Redmond, John C. Littell, J. H. Gautier, Henry K. Toler, James H. Halsey, B. F. Woolsey, Oliver S. Halsted, jr., Francis S. Lathrop, and John Chadwick, or a majority of them, are hereby appointed commissioners to lease or purchase, within six months from the date of this act, such tract or parcel of land for the uses and purposes of this association as they may deem suitable therefor, which tract, when so leased or purchased, shall be leased or conveyed to said association, and shall be the only land held and used by them for the purposes contemplated by the provisions of this act; *provided*, such tract of land shall be located in either of the counties of Essex or Hudson.

Proviso.

Duties and powers of directors.

6. *And be it enacted*, That after the land needed for the purposes of said association shall be leased or purchased as aforesaid, all the affairs of the company shall be managed by eleven directors, to be chosen by the stockholders annually at such time and place, in such manner, and upon such notice as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall from time to time elect a president from their body, and shall

also elect and employ such other officers as they may deem necessary, and make all such by-laws, rules, and regulations, as they may think proper, for the regulation and government of said association, for admission to their exhibitions, and for the purpose of maintaining order and preventing disturbance at the meetings thereof, shall have police jurisdiction within one mile of the boundaries of said grounds, and it shall be the duty of said directors to suppress the sale of ardent spirits, and to prohibit gambling, or any breach of the peace or laws of the state.

Objects of incorporation.

7. *And be it enacted*, That the objects of said association shall be to improve the condition and breed of horses and cattle, and also to improve the agricultural, horticultural, and manufacturing interests of the state; and for carrying out the objects of this act, said association may hold one or more meetings upon their grounds in each year, for the exhibition of such animals, and of such agricultural and other articles as the directors, or a majority of them, may deem proper, and may, at such meetings and exhibitions, test the speed, and other desirable qualities of horses, mules, and other stock, and may offer and give such premiums as a majority of the directors may agree upon, for superiority in the objects sought for, such premiums, however, not to exceed the surplus net revenue of the association in any one fiscal year; and said association shall have power to let, rent, or lease unto any agricultural, or other society, organized for the purposes contemplated in this act, the grounds and improvements belonging to said association.

What property may be held.

8. *And be it enacted*, That for the purpose of further carrying out the provisions of this act, said association shall be allowed to purchase in the manner aforesaid, and to hold such real estate, and shall be allowed to purchase and hold such personal estate as may be necessary for the purposes of said association.

Limitation.

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

Approved Feb. 16, 1859.

CHAPTER VII.

AN ACT to change the names of Thomas Jehu and Ann Jehu, his wife, of the city of Newark, county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Thomas Jehu, of the city of Newark, in the county of Essex, be changed to Thomas Jehu Pritchard, and the name of Ann Jehu, his wife, be changed to Ann Pritchard; and that henceforth all business and other transactions had by or with the said Thomas and Ann, or by or with either of them, shall be in the name or names given them respectively by this act; and that by such names they shall respectively be known, in as full a manner as if the name of Pritchard had always been the surname of the said Thomas; *provided, nevertheless*, that nothing in this act contained shall in any manner affect any matter, thing, or transaction heretofore had by or with, in favor of or adverse to, the said Thomas and Ann, or either of them. Name of Thomas and Ann Jehu changed. Proviso.

Approved February 17, 1859.

CHAPTER VIII.

AN ACT to amend the act entitled "An act to incorporate the Jersey City Insurance Company," approved February tenth, eighteen hundred and forty-seven.

Company authorized to increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Jersey City Insurance Company are hereby empowered to increase the capital stock of said company, from time to time, to any amount not exceeding two hundred and fifty thousand dollars; *provided*, such increase of capital is paid in and invested in the manner provided for the payment and investment of said company's capital in the act to which this is a supplement.

Proviso.

Part of former act repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement as limits the duration of the said company to twenty years, is hereby repealed, but the legislature may at any time alter, repeal, or amend this act, or the one to which this is a supplement.

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

Approved February 17, 1859.

CHAPTER IX.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the said city shall have power within said city to make, establish, publish and modify, amend or repeal, ordinances to provide for licensing persons desiring to sell goods, wares and merchandise not the growth, product or manufacture of this state at public auction within the limits of said city, and to fix the rate of compensation for such licenses, and to prohibit unlicensed persons from selling such goods, wares or merchandise at auction within said city. Common Council may license persons to sell merchandise, &c., at auction.

2. *And be it enacted*, That all moneys arising from the sale of such licenses shall be paid into the treasury of said city.

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

Approved February 17, 1859.

CHAPTER X.

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

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Delaware contained within the following bounds, that is to say: beginning in the middle of Cooper's creek on the line of Joshua Barton and Hewlings Haines' property, and taking a straight course of said line to the Whiskey road, and thence from the Whiskey road in a straight line to the intersection of the Haddonfield road with the Moorestown turnpike, thence along the said turnpike to Pennshawkin creek, thence along said creek to the Delaware river, thence along the river Delaware on the line between the state of New Jersey and the state of Pennsylvania to the mouth of Cooper's creek, thence along said creek to the place of beginning, be and the same is hereby set off into a new township, to be called the township of Stockton.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the township of Stockton 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 Stockton, in the county of Camden," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, governments, and liabilities as the inhabitants of the other townships in the said county of Camden are or may be entitled or subjected to by existing laws of this state.

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Stockton shall hold their first town meeting at the inn of Benjamin Martin, in said township of Stockton on the second Wednesday in March.

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

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

Approved February 23, 1859.

CHAPTER XI.

AN ACT to authorize the surviving executors of Luther Goble, deceased, late of Newark, in the county of Essex, in this state, to sell certain real estate.

Trustees authorized to sell real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Silas Condit, Frederick S. Thomas, surviving executors of the last will and testament of Luther Goble, deceased, late of Newark, aforesaid, and the survivor of them, to sell, if in their sound discretion, or of such survivor, they shall deem it best for all parties interested therein, at public or private sale, all or any portion of seven small houses and lots, situated in Pearl street, in the said city of Newark, devised by the said testator to his said executors, in trust, for the benefit of poor widows in communion with the Third Presbyterian Church in Newark, and to convey the same, in fee simple, to the purchaser or purchasers thereof.

Proceeds of sale to be invested.

2. *And be it enacted*, That the said executors, and the survivor of them, after deducting the reasonable expenses of such sale, shall invest the proceeds of such sale in a bond and mortgage, or bonds and mortgages, on good and sufficient real estate, and apply the interest arising therefrom, after discharging the expenses of the trust, by paying the same to the minister and session, for the time being, of the Third Presbyterian Church in Newark, aforesaid, to be by them faithfully applied to the comfortable maintenance of poor widows in communion with the said church, in the manner provided for by the will of the said testator.

Approved February 24, 1859.

CHAPTER XII.

AN ACT to divide the township of Willingborough, in the county of Burlington, into two townships.

WHEREAS, the inhabitants of the township of Willingborough, in the county of Burlington, have become so numerous that it is impracticable for them to meet and transact the township business, at their annual and other town meetings with convenience and good order in one assembly; for remedy whereof:— Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Willingborough in the county of Burlington, shall be and the same is hereby divided into two townships in the following manner, that is to say: all that part of the said township south of the southerly line of the Burlington and Bridgeborough turnpike road, shall constitute and be known as the township of Willingborough, all that part lying north of the southerly side of said turnpike road shall constitute and be known as the township of Beverly. Township divided.

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

3. *And be it enacted*, That the inhabitants of the township of Beverly are constituted a body politic and corporate, in law, and shall be styled and known by the name of "The inhabitants of the township of Beverly, in the county of Burlington," and shall be entitled to all rights, Inhabitants of Beverly incorporated.

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

Town meeting in Willingborough.

4. *And be it enacted*, That the inhabitants of the township of Willingborough shall hold their next annual town meeting at the town house, in the said township, on the second third-day of third month (March) next.

Town meeting in Beverly.

5. *And be it enacted*, That the inhabitants of the township of Beverly shall hold their first town meeting at the town hall, in the city of Beverly, in the said township, on the second third-day in the third month (March) next.

Town committees to divide property.

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

Approved March 1, 1859.

CHAPTER XIII.

AN ACT relative to the Clinton Bank of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James P. Huffman, Robert Foster, John T. Leigh, William Egbert, Joseph Boss, Jacob H. Huffman, Peter Sigler, Edward A. Rockhill, John A. Young, Theodore H. Risler, Peter Cramer, Jacob R. Fisher, and Thomas E. Hunt, and their associate shareholders in the Clinton Bank of New Jersey, an association formed at Clinton, in the county of Hunterdon, and organized under the provisions of an act of the legislature, entitled "An act to authorize the business of banking," and their successors and assigns be and they are hereby constituted a corporation and body politic, by the name and style of the "Clinton Bank of New Jersey," and by that name shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold and silver bullion, stocks of the states, or of the United States, and shall in no case hold any real estate, goods, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts, previously contracted in the course of dealings, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing of debt or debts due or owing said corporation.

Names of corporators.

Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, with the

Amount of capital stock.

privilege of increasing the same to two hundred thousand dollars at any time during the continuance of this act; and that the owners of stock in said association, so organized as aforesaid, shall be the stockholders in the corporation created by this act, and shall hold the same number of shares therein that they may hold in the said association at the passing of this act.

Former association merged in present on filing certificate.

3. *And be it enacted*, That the association organized as aforesaid, shall, on the passage of this act, and the acceptance of the same by the directors of the said association, and the filing in the office of the secretary of state, a certificate of such acceptance, signed by the president and cashier, under the seal of the association, be deemed and taken to be merged in the corporation created by this act, and from that time all the property, real and personal, of said association, shall vest in and be deemed and taken to belong to the corporation created by this act, their successors and assigns, and with the same remedies at law and in equity in respect thereto, as if the original association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the debts and obligations of the said association; and *provided*, that the bills of the said association in circulation shall be redeemed in the manner pointed out by the provisions of the aforesaid act, entitled "An act to authorize the business of banking," and the supplements thereto, and that the treasurer of this state, on being presented with any amount of bills, not less than one thousand dollars at a time, and cancelling the same, shall deliver up to the said corporation an equal amount of stock or securities pledged for the redemption thereof, to be selected by the treasurer.

Proviso.

Proviso.

First directors.

4. *And be it enacted*, That all the affairs of the company shall be managed and conducted by thirteen directors, all of whom shall be stockholders, and citizens of this state, and who shall be annually elected in the manner hereinafter described; *provided*, that James P. Huffman, Robert Foster, John T. Leigh, William Egbert, Joseph Boss, Jacob

H. Huffman, Peter Sigler, Edward A. Rockhill, John A. Young, Theodore H. Risler, Peter Cramer, Jacob R. Fisher, and Thomas E. Hunt, shall be the first directors of the corporation created by this act, and shall hold their offices until their successors are duly elected.

Election of directors.

5. *And be it enacted*, That the first election for directors of the said corporation created by this act shall be held on the first Tuesday in April, in the year of our Lord one thousand eight hundred and sixty, and on the same day annually thereafter, at the banking house of said corporation, in Clinton, at such time of day as the board of directors shall appoint, of which election at least fourteen days' previous notice shall be given by the directors, in a newspaper printed at Flemington, for the well ordering of which election the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who are elected; that the said elections shall be by ballot, and be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held in his, her, or their names, at least three months next before the election, and the persons who shall have the greatest number of votes shall be directors; and if it should so happen that two or more persons have an equal number of votes, then the directors of the preceding year, or a majority of them, shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed to elect by ballot, and by a majority of votes, one of their number for president, and whenever any vacancy or vacancies shall happen among the directors by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors

for the time being, or a majority of them, shall appoint; and if at any time it shall happen that an election of directors shall not take place on the day herein prescribed, the said corporation shall not for that reason be deemed dissolved, but an election shall be had as soon as conveniently may be thereafter, upon like notice, and at the place and in the mode specified.

Stock transferable.

6. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be transferable on the books of the corporation, in the manner prescribed by the by-laws of said corporation, and no stockholder from whom any debt is due to the said bank, or who is drawer or indorser upon any note discounted by said bank, and not yet due, shall be allowed to transfer his said stock until such indebtedness shall be fully paid, without the consent of the said board of directors, but all such stocks shall be and remain liable for the payment of such indebtedness, and for the payment of such notes, when they mature.

Bills to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar, and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, and when so signed and issued, promising the payment of money to any person, or to his order, or to the bearer, shall be binding and obligatory on said corporation as if made by a natural person or persons, but that the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued bills or notes of said corporation, exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year nor more than five years, in the discretion of the court.

8. *And be it enacted*, That there shall be a cashier of said bank appointed annually, liable however to be removed and another appointed in his stead, at the pleasure of the said board of directors, such appointment or removal only to be made by a majority of the directors, and every cashier, upon such appointment, and before he enters upon the duties of his office, shall be required to give bonds, with good and sufficient security, to be approved by the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful performance of his duties as cashier of said bank. Cashier to be appointed.

9. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock. Dividends.

10. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof. Rates of discount. Proviso.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent. Charter void if bills are not redeemed.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of the said corporation at the time of its becoming insolvent, shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; Assets liable for payment of notes.

and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery, or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and if in the case of payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets to be distributed pro rata.

14. *And be it enacted*, That if the assets of said corporation, and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets

and property shall be distributed ratably among the holders of the said bills and notes.

15. *And be it enacted*, That the stockholders of said corporation, at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to any amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability. Liability of stockholders. Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof. Actions against directors or stockholders. Proviso.

17. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday in the months of January, April, July, and October, in every year, to make the statements required to be made by the other banks of this state by the act entitled "A supplement to an act entitled 'An act to punish frauds committed on the incorporated banks of this state, and for the better regulation of said banks,' approved April fifteenth, eighteen hundred and forty-six." Quarterly statements to be made.

Limitation.

18. *And be it enacted*, That a majority of stockholders shall be residents of this state, and that this act shall continue in force for twenty years, but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Treasurer to deliver plates, &c.

19. *And be it enacted*, That the treasurer of this state be and he is hereby authorized and required to deliver to the order of the president of the said bank, on the acceptance of this charter, the plates, dies and materials connected with and belonging to the said Clinton Bank of New Jersey, held by him.

Approved March 1, 1859.

CHAPTER XIV.

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

Officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Galloway, in the county of Atlantic, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is, a township clerk, a

judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or more overseers of the poor, one or more pound keepers, a township committee, consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one or more constables, and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meetings, and the election of state and county officers.

Election of overseers of the highway.

2. *And be it enacted*, That the overseers of the highways of the several road districts in the township of Galloway, in the county of Atlantic, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee, and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall hereafter be directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters in the township residing in such district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed *viva voce*, by the holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes, and being so organized, the meeting shall proceed as in the election of moderator, to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee in writing, of the election of such overseer: in case of the failure of any district to elect an overseer, or of the person so elected to accept of the ap-

pointment, the township committee shall fill such vacancy; the overseers of the highway shall account to and settle with the township committee, as required to do by law.

Notice to be given of first district road meetings.

3. *And be it enacted*, That it shall be the duty of the township committee as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and they shall cause notice thereof to be posted up in some conspicuous place in such district at least five days before the time of holding such meeting.

Subsequent meetings, how called.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district at least ten days from the time of holding such meeting, and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

Officers of election.

5. *And be it enacted*, That the judges of election elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Elections, how conducted.

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

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings, or the state and county elections, but a majority of all the votes cast shall be required to determine an amount of money to be raised or specified, and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting, or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the town committee shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable, and in that case shall have power to call such special meeting as now provided by law. Vacancies, &c., how supplied.

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

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor, and town superintendent of public schools shall be presented to the township committee, and filed and preserved by the town clerk: in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meeting, and provided by the clerk, Reports of township committee to be filed.

which is used at the state and county elections; the judges of election, and clerk, shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

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

Approved March 1, 1859.

CHAPTER XV.

AN ACT authorizing the receipts and discharges of Commissioners, Receivers, and others, to be recorded.

Receipts, &c., may be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, It shall be lawful for every commissioner ordered to sell lands or real estate, receiver, master in chancery, or trustee, who, in the due and lawful execution of the trust reposed in him, shall pay any share or shares or sums of money to any person entitled by law to receive the same, his, her or their executors, administrators or legal representatives, to have the receipts and discharges therefor recorded in the surrogate's office of the county where he resides, or where the property relating to the trust reposed in him, was situate, in the book, required by the thirty-fourth section of the act entitled, "An

act respecting the orphans' court and the power and authority of surrogates," approved April sixteenth, eighteen hundred and forty-six, to be kept by the surrogate for the record of receipts and discharges; *provided*, that the same be first proved or acknowledged in the manner that deeds of conveyance of land are by law required to be proved and acknowledged; and the provisions of said section of said act shall in all things apply to the receipts and discharges hereby authorized to be recorded, and to the record thereof. Proviso.

Approved March 1, 1859.

CHAPTER XVI.

AN ACT to incorporate the Cedar Hill Cemetery Association, at Millstone, in the county of Somerset.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ernestus Schenck, Joseph Howell, John V. A. Merrell, John V. D. Hoagland, Jos. H. Olcott, Peter N. Beekman, Peter P. Wortman, and such other persons as are now their associates, or shall hereafter become associated with them, be, and they are hereby made and constituted a corporation and body politic, by the name of "The Cedar Hill Cemetery Association, at Millstone." Names of corporators.

What land may be held.

2. *And be it enacted*, That the said association shall have power to take and hold a lot or tract of land in fee, situate near the village of Millstone, in the county of Somerset, and state of New Jersey, and now assigned and laid out by the parties aforesaid for such cemetery, a plot of which shall be recorded or filed in the clerk's office of the county of Somerset, with a certified copy of this act, on or before the first day of April next, together with such other lands as the said corporation may hereafter purchase for the purpose aforesaid, not to exceed in the whole ten acres; the plots of such additional lands, and the deed or deeds of conveyance shall be recorded in said office, and the said corporation shall hold such tract or tracts of land for the uses hereinafter mentioned, that is to say:—

First.—The said corporation and their successors may sell or otherwise dispose of, by good and sufficient deeds of conveyance, any part or parts of sub-lots of said tract or tracts of land in said cemetery for burial lots, and take the proceeds of such sale or other disposition to their only proper use and behoof.

Secondly.—That the several parts of sub-lots of such tract or tracts of land shall be conveyed to the several purchasers thereof, when paid for, in fee, by deed, under the corporate seal of said corporation, and signed by the president and secretary thereof, to be occupied only as burial places for the interment of deceased human beings, with the uses and privileges of all the avenues and walks, and other accommodations in said cemetery, subject to such regulations and restrictions as have been or may be established by said association in relation to the same, by any by-law or ordinance of said corporation.

Thirdly.—That the business and concerns of said corporation shall be conducted by a board of managers, consisting of seven persons, who shall be residents of this state; and that the persons named in the first section of this act shall be the first managers of said corporation, and shall have the power to lay out and ornament said grounds, erect fences, and such other accommodations as may in

their opinion be necessary, convenient, and desirable, and shall have the power to appoint and employ such officers and agents as they may deem expedient.

Election of managers.

3. *And be it enacted*, That there shall be an election of managers held, on the second day of March next, and in each and every year thereafter; previous notice shall be given for two weeks by handbill or newspaper publication, as the managers of said association shall think proper, at which election each share of stock shall entitle the holder thereof to one vote.

Cemetery to be inclosed.

4. *And be it enacted*, That it shall be the duty of the said association to cause said cemetery to be inclosed by a good substantial inclosure (if the same is not already so inclosed), and at all time to keep such inclosure in good order and repair.

Lands to be exempted from tax.

5. *And be it enacted*, That the lands of the association, and the burial lots that may be made out of the same, shall be for ever exempt from taxation, and shall not be 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.

No streets to be opened through grounds.

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

Approved March 1, 1859.

CHAPTER XVII.

AN ACT to authorize "the President and Directors of the Trenton Water Works" to convey their works and franchises to the city of Trenton, and to provide for the management of said works.

Preamble.

WHEREAS, "the inhabitants of the city of Trenton" have purchased the whole of the capital stock of "The President and Directors of the Trenton Water Works," and have thus become the real owners of said works, but are compelled to manage and conduct the same pursuant to the provisions of the charter of said company, in whom the legal title to said work is still vested, therefore

President, &c., authorized to convey property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The President and Directors of the Trenton Water Works," and they are hereby required on or before the first day of May next, to convey unto "the inhabitants of the city of Trenton" all the real estate, works and property, and all the corporate rights, powers, franchises, and privileges of said company; and that upon the due execution of such conveyance, the legal title to said real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company shall pass to and vest in "the inhabitants of the city of Trenton," in as full and ample a manner as the same now are or heretofore have been held and enjoyed by the said company.

Appointment of commissioners.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to be appointed as hereinafter directed, and that all the authority, powers and duties relative thereto now exercised and performed by the president and directors of said company shall be exercised and performed by said commissioners, except as is hereinafter provided; and in pursuance of this authority the said

commissioners may appoint and employ all proper clerks, officers, agents and assistants necessary or convenient for the purposes aforesaid at such compensation as they may deem reasonable; *provided*, that the said commissioners shall have no power or authority to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services. Proviso.

3. *And be it enacted*, That the real estate, works and property hereby authorized to be conveyed to the inhabitants of the city of Trenton, and the income thereof shall be and remain liable in their hands for the payment of all debts heretofore contracted by the president and directors of the Trenton Water Works; and that for the purpose of paying such debts and to provide for the further extension of said water works, it shall and may be lawful for the common council of said city, upon the written application of said commissioners, to issue the bonds of the city for an amount not exceeding in the whole the sum of fifteen thousand dollars, which bonds shall not be disposed of at less than par value, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be subject or liable to any tax which may be levied or assessed by order of the common council of said city; *provided*, that such bonds shall not be issued in any case except a majority of the whole number of said council shall concur therein. Bonds may be issued for payment of debts. Proviso.

4. *And be it enacted*, That the said bonds or the proceeds thereof, when sold by the said commissioners, shall be applied first, to the payment of the debts of the president and directors of the Trenton Water Works, and the balance, if any, shall constitute a fund for the future extension of said works, and shall be used exclusively for that purpose, and no other. Proceeds, how applied.

5. *And be it enacted*, That the net rents and revenue received from the said water works, after paying all expenses for maintaining the works and extending the pipes, and paying salaries, wages and incidental expenses, shall be appropriated, first to the payment of the interest on the bonds Rents and revenue, how applied.

heretofore issued for the purchase of the stock of said company, called the "water loan," and also on the bonds issued pursuant to the provisions of this act, which shall be deemed part of said loan, and the balance thereof shall be set apart as a sinking fund for the payment of the principal of said bonds; and that no part of said rents and revenue shall be appropriated or used for any other purpose whatever until the whole of said debt is paid and satisfied; *provided*, that the said commissioners shall not expend out of said water rents in any one year more than five hundred dollars for extending the pipes, and all extensions shall be charged to construction account, and they shall not make any such extension or improvement (necessary repairs excepted), the cost of which shall exceed said amount, in any one year, unless the common council shall have previously authorized the issue of city bonds for the purpose of paying therefor.

Proviso.

Moneys to be paid to city treasurer.

6. *And be it enacted*, That the said commissioners shall, on the last Monday of April, and on the last Monday of October in each year, pay over to the treasurer of the city of Trenton so much of the net rents and revenue of said works for the preceding six months, as will be sufficient to pay the semi-annual interest on the bonds mentioned in the last preceding section; and shall on the same days pay over the surplus, if any, to the "Commissioner of the Sinking Fund" of said city, to be by him safely invested in the same manner that other city moneys are invested by him, and allowed to accumulate as a sinking fund for the payment of said bonds at maturity.

Assessment to be made for payment of interest.

7. *And be it enacted*, That until such time as the net rents and revenue of said works shall be fully sufficient to pay the interest of said water loan, it shall be the duty of said commissioners, in the month of April in each and every year, to certify to the common council of said city what in their opinion will be the net revenue of said works for the ensuing year applicable to the payment of said interest; and thereupon the said common council may impose, assess, and collect such an amount of tax as shall be

sufficient, with the estimated net revenue of said works, to pay the interest on said water loan for that year; and the said common council are hereby empowered to add to the amount they now are or hereby may be authorized to raise in the general assessment, such sum as shall be necessary for the purpose aforesaid, notwithstanding any limitation or restriction contained in the charter of said city, or the supplement thereto.

Accounts to be kept of interest paid.

8. *And be it enacted*, That the city treasurer shall keep a separate account of all moneys received and paid by him on account of the interest of said water loan, particularly specifying therein the amounts received semi-annually from the water commissioners, as also the amount raised by taxation for the purpose of paying said interest, the whole of which shall be credited in said account and applied exclusively to the purpose aforesaid.

Commissioners to make annual statement.

9. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account, and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any member of the common council of the city of Trenton, and of any person or persons appointed by said common council for that purpose; the said commissioners shall also, on the first Monday in February of every year, make a report to the said common council of the condition of the said water works, accompanied by a detailed statement of their receipts and expenditures on account of the same, an abstract of which shall be published with the annual statement of the city treasurer.

Contracts, &c., of commissioners to be binding on city.

10. *And be it enacted*, That all the 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 inhabitants of the city of Trenton, and any judgment recovered against the said commissioners in their official capacity, as provided in the next succeeding section, shall have the same force and effect as a judgment against the city, and shall

be enforced by the same process and in the same manner as if the same had been rendered in an action brought against "the inhabitants of the city of Trenton."

General powers of commissioners.

11. *And be it enacted*, That the said commissioners may sue and be sued, and prosecute or defend any action or process at law or in equity, by the name of "the Water Commissioners of the City of Trenton," 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, trespass, or nuisance done or suffered to the water, reservoirs, 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 of 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, maintain, or defend such action or suit, but for such purposes and in such cases they shall be considered from the time of the organization of the board as a body corporate.

Previous contracts to be binding on commissioners.

12. *And be it enacted*, That all promises and contracts made by or with the president and directors of the Trenton water works previous to the execution of the conveyance hereinbefore authorized, shall be binding on the said commissioners and upon the other contracting party in the same manner and to the same extent as if said promise or contract had originally been made by or with the said commissioners; and that all actions, suits, and remedies relative thereto shall be brought, prosecuted and enforced in the manner specified in the last preceding section in as full and ample a manner as the same might or could have been prosecuted and enforced by or against the president and directors of the Trenton water works in case this act had not been passed.

13. *And be it enacted*, That the board of commissioners for the time-being shall have power and authority to regulate the supply and use of the water, to fix the prices for the same and the times of payment, to make and prescribe such rules, regulations, conditions, and restrictions as they may deem necessary or expedient with reference to the use and mode of drawing the water, the collection of water rents, and the mode of enforcing such collection; and they shall have power to impose such penalties in addition to cutting off the water as they may deem expedient, for the violation of such rules, regulations and restrictions. Duties and powers of commissioners.

14. *And be it enacted*, That it shall be the duty of said commissioners to erect and maintain fire plugs in the public streets of said city, through which water pipes shall have been laid in such number and locations as the common council may from time to time direct, and to supply the same with water; and such plugs shall be under the control and direction of the common council, who are hereby authorized by ordinance to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation and the mode of collecting such penalties. Commissioners to erect and maintain fire plugs.

15. *And be it enacted*, That the said commissioners shall elect annually one of their number to be president of the board, who shall, under their direction, have their general superintendence of the water works and the business of the board; the president, or in his absence, one of the commissioners appointed by the board for that purpose, shall sign all contracts and all orders on the treasurer for the payment of moneys which may be authorized by the said commissioners. Election of president.

16. *And be it enacted*, That the said commissioners shall require and take from their treasurer and such officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper. Treasurer, &c., to give bonds.

17. *And be it enacted*, That Charles Moore, Philemon Dickinson, Daniel Lodor, David S. Anderson, Jacob M. First commissioners.

Taylor, and Albert J. Whitaker, shall constitute the first board of water commissioners, and shall at their first meeting determine, by lot or otherwise, the terms during which they shall hold their offices; and these shall be as follows: two of them shall remain in office one year, two of them two years, and two of them three years; all to be computed from the first day of July next.

Election of commissioners.

18. *And be it enacted*, That the common council of said city shall in the month of June, at their regular monthly meeting, in the year eighteen hundred and sixty, and in the same month in every year thereafter, elect two commissioners, who shall hold their office for three years, to be computed from the first day of July next ensuing their election; and any vacancy that may occur in said commission, by death, resignation, or otherwise, shall be filled by the common council at a regular monthly meeting, but the person appointed to fill such vacancy shall hold his office only for the residue of the term for which he may be appointed; *provided*, that no member of common council shall be appointed a water commissioner, or act as such after his election as a member of said council.

Proviso.

Former acts repealed.

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

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

Approved March 1, 1859.

CHAPTER XVIII.

AN ACT to legalize certain acknowledgments of deeds taken or to be taken in other states and territories of the United States, for lands and real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments of any deed or deeds, of, or for lands or real estate in this state, by any grantor or grantors, residing out of this state, heretofore made or taken, or hereafter to be made or taken, by or before any officer at the time of such proof or acknowledgment, authorized by the laws of the state or territory, where such grantor or grantors, at the time of making such acknowledgments resided, or shall reside, to take acknowledgments of deeds of lands, or real estate, in and for such state or territory, although not authorized or empowered to take the acknowledgment of deeds for this state, shall be deemed, and taken to be, to all intents and purposes, as good and valid, and effectual in law, and the record thereof admissible in evidence, as fully and completely as if such acknowledgment had been made, or taken by or before any person or officer by the laws of this state authorized to take acknowledgments of such deeds or conveyances of, or for lands and real estate in this state, in such other state or territory where such grantor or grantors at the time of such acknowledgment resided or shall reside; *provided*, that such acknowledgment of any such deed or conveyance shall be in other respects in conformity with the laws of this state, and that the certificate thereof, shall have been or be accompanied by a certificate under the great seal of the state or territory, or under the seal of the circuit or other court of the county in which it was or shall be made, that the person before whom such acknowledgment was made, was such officer,

Acknowledgments of deeds by officers of other states to be valid.

Proviso.

as in and by his certificate is claimed, which said last-named certificate shall have been or be recorded with such deed or conveyance.

Approved March 1, 1859.

CHAPTER XIX.

AN ACT to revive "An act to incorporate the Belleville Railroad and Transportation Company," and the several supplements to the same.

Former act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to incorporate the Belleville Railroad and Transportation Company, and the several supplements thereto, is hereby revived, and that the time limited for the commencement and completion of the railroad, authorized by the said act and the supplements, shall be computed from the fourth day of July next.

Approved March 1, 1859.

CHAPTER XX.

A SUPPLEMENT to an act entitled "An act to incorporate the Newark Plank Road and Ferry Company," approved February twenty, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said company to make one or more of the tracks of their road of stone gravel, or other hard substance, in place of plank, as required by their act of incorporation; *provided*, the same is so constructed as to make a good and firm road. Part of road to be made of gravel, &c. Proviso.

2. *And be it enacted*, That the Newark Plank Road and Ferry Company, shall hereafter be known in fact, and in name, by the name of the "Newark Plank Road Company," and by that name, shall hereafter be a body politic and corporate, and shall possess and exercise all the corporate powers and franchises, and be subject to all the liabilities of the Newark Plank Road and Ferry Company. Corporate name.

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

Approved March 1, 1859.

CHAPTER XXI.

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 North Brunswick, in the county of Middlesex.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled an act, to 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, and all the benefits and provisions of the said act, be, and the same are hereby extended to the township of North Brunswick, in the county of Middlesex; *provided*, that no fees shall be paid to any person, for driving or conveying any horses, cattle, sheep or swine, to the public pound, in the said township, by virtue of this act, unless he or she, shall be at the time, a freeholder or householder of the said township, or is authorized in writing, by such freeholder or householder.

Proviso.

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

Approved March 1, 1859.

CHAPTER XXII.

A SUPPLEMENT to an act entitled "An act concerning firemen of the borough of Bordentown and county of Burlington," approved February first, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in the first section of said act is hereby repealed; and that the first fifty acting members on the roll of said companies shall be exempt from serving as jurors in any of the courts of this state. Part of former act repealed.

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

Approved March 1, 1859.

CHAPTER XXIII.

AN ACT to authorize the state treasurer to pay to Silas Thomas a certain claim due to him by this state.

WHEREAS, the legislature, at its last session, did, on the eighteenth day of March, one thousand eight hundred and fifty-eight, pass a resolution and preamble, in the following terms, to wit:— Preamble.

Preamble. WHEREAS, Silas Thomas, of the town of Hancock, in the state of New York, claims there is a balance due him for lumber furnished for the New Jersey state prison, in the year one thousand eight hundred and fifty four, which claim the present board of inspectors do not feel authorized to pay, without the direction of the legislature—

Therefore, resolved (House of Assembly concurring), That the present inspectors of said prison be, and they are hereby authorized and directed, to examine into said claim, and if upon such examination, they find anything due to said Silas Thomas, they are hereby authorized and directed to pay the same.

Preamble. AND WHEREAS, the inspectors of the state prison investigated said claim, and did, on the twenty-fourth day of November, one thousand eight hundred and fifty-eight, find that there was due and should be paid to the said Silas Thomas, for his said claim, the sum of four hundred and sixty-five dollars and thirty two cents, and did, thereupon, on the day last named, deliver to him a draft upon the treasurer of the state of New Jersey, for the said amount, which draft, upon presentation to the said officer, was refused payment, for want of authority by law authorizing him to pay the same out of moneys in the treasury, therefore,

Treasurer authorized to pay claim of S. Thomas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be, and he is hereby authorized and directed, to pay to said Silas Thomas, or his order, the sum of four hundred and seventy dollars and seventy-five cents, the amount of said draft and charges thereon, found by the inspectors of the state prison, due to him, which sum shall be in full for all claims by him against said prison.

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

Approved March 1, 1859.

CHAPTER XXIV.

AN ACT to authorize the overseers of Road Districts in North Brunswick, in the county of Middlesex, to remove dirt, stone or gravel, from one part of a district to another part.

WHEREAS, difficulty has arisen in the township of North Brunswick, in the county of Middlesex, concerning right to remove dirt, stone or gravel laying in the road, within a district, from one part of the said district to another part of the same district, now, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for overseer of road districts in the township of North Brunswick, in the county of Middlesex, to remove dirt, stone or gravel laying in the road within a district, from one part of the said district to another part of the same district, when necessary, in order to the better repairs and improvement of said road. Overseer authorized to remove dirt, &c.

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

Approved March 1, 1859.

CHAPTER XXV.

AN ACT to incorporate the Citizens' Insurance Company of Elizabeth.

Company incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders of the capital stock hereinafter mentioned, their successors and assigns are hereby constituted a body corporate and politic, by the name and description of "the Citizens' Insurance Company of Elizabeth," and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature, or kind whatsoever, necessary or proper for the purposes of said corporation, and the same to grant, demise, alien and dispose of for the benefit of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred thousand dollars; and that one half of said capital stock shall be subscribed, and twenty-five thousand dollars thereof actually paid in, before it shall be lawful for the said company to commence the business of insurance.

Election of directors.

3. *And be it enacted*, That the business, property and affairs of the said company shall be managed and conducted by fifteen directors, a majority of whom shall form a quorum; which directors shall hold their offices for one year, and until others shall be chosen; and they shall at all times during their continuance in office be stockholders in their own right; and two-thirds of them shall be citizens and residents of this state; said directors shall be elected on the first Monday of March in each year, at such time and place in the said city of Elizabeth, as the board of directors for the time being shall appoint; of which election two

weeks' notice shall be published in one or more newspapers printed in said city; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy.

Directors to appoint officers.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary and treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the said company, with such compensation for their services as may be deemed reasonable.

Commissioners to receive subscriptions.

5. *And be it enacted*, That Keen Pruden, Charles H. Ross, John J. Chetwood, James W. Ayres and Joseph C. Hinchman, or any three of them, are hereby appointed commissioners to open books for subscription to the capital stock of said company at the said city of Elizabeth, upon three weeks' notice, published in a newspaper printed in said city, and as soon as two thousand shares are subscribed, the said commissioners shall by like notice appoint the time and place, for holding the first election of directors.

What property may be insured.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings and other property against loss, or damage by fire, and also to insure ships and other vessels, rights, interests and property, against every description of casualty, incident to marine and inland transportation, upon such terms and conditions, as shall be contained in the policy for such insurance.

Policies of insuranee.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made, or entered into by said company, shall be subscribed by the president, or such other officers as may be designated by the company for the purpose, and attested by the secretary, and shall be obligatory upon the company, according to the tenor, intent and meaning of such policies and contracts and the provisions of this act.

What real estate may be held.

8. *And be it enacted*, That it shall be lawful for said company to purchase and hold such real estate, as shall be necessary for their convenient accommodation, and the transaction of their business; and also to take and hold

any real estate or securities *bona fide*, mortgage or pledge to said company, and to sue for and collect the same, and the same to sell or otherwise dispose of; and the said company may invest their capital, and accumulating premiums from time to time, in public stocks, bonds, obligations, mortgages, and such other securities as may be approved by the directors.

Stock transferable.

9. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and assignable and transferable, pursuant to the by-laws of the company, and it shall be lawful for the directors to make dividends of so much of the profits among the stockholders, as they may deem advisable from time to time.

Limitation.

10. *And be it enacted*, That this act shall take effect immediately, and shall continue in force twenty years; *provided*, that no contract made by said corporation before the repeal or expiration of this charter, shall be affected thereby; and the said corporation shall have a reasonable time for the final settlement of its affairs.

Proviso.

Approved March 1, 1859.

CHAPTER XXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Princeton and Kingston Branch Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Princeton and Kingston Branch Turnpike Company, be and they are hereby authorized to borrow such sum, not exceeding the par value of the unissued capital stock, as may be necessary to pay the debt now existing against said company, and to complete the improvement of the said road, and to secure the payment of the same by a mortgage upon the property of the said road and its franchises. Company authorized to borrow money.

Approved March 1, 1859.

CHAPTER XXVII.

A SUPPLEMENT to an act entitled "An act to incorporate Cedar Hill Cemetery Association."

WHEREAS, the "Cedar Hill Cemetery Association," in the township of East Windsor, in the county of Mercer, and state of New Jersey, was legally incorporated, according to the directions and provisions of an act entitled Preamble.

"An act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one; AND WHEREAS, it has become necessary in the opinion of the said association, to vacate the hereinafter described walks, or avenues, as laid down and described on the map of the lands of the said association, filed in the clerk's office of the county of Mercer; therefore,

Certain avenues, &c., vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the avenues or walks between ranges of lots number eight and nine south, and three to sixteen west, in said cemetery lands, as laid down and described on said map, be and the same are hereby vacated.

Map to be filed.

2. *And be it enacted*, That the said association shall file in the said clerk's office of the county of Mercer, a map of their said cemetery lands, altered and amended only so far as to conform with the provisions of this act.

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

Approved March 1, 1859.

CHAPTER XXVIII.

AN ACT to incorporate the New Brunswick Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry L. Janeway, Ezekiel M. Patterson, A. D. Newell, T. V. D. Hoagland, Lyle Van Nuise, Christopher Meyer, James Bishop, Allen H. Robbins, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The New Brunswick Water Company," and they and their successors, by the same name and style, shall be capable of purchasing any real or personal estate necessary and expedient to the objects of this incorporation. Names of corporators.

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 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 capital stock of said corporation, at such time or times, place or places in the city of New Brunswick as they, or a majority of them, may think proper: the books for subscription shall be kept open for at least three days, from ten o'clock in the morning until five o'clock in the afternoon, upon fifteen days' notice being given in both the newspapers published in New Brunswick, and at the time of subscribing, ten per cent. shall be paid on each share when subscribed for, to the commissioners, or one of them, and as soon as two thousand shares of the said stock shall be subscribed, such commissioners shall Commissioners to receive subscriptions.

give like publication for a meeting of the stockholders to choose seven directors, a majority of whom shall reside within the present limits of the corporation of said city; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books and money paid in to the said directors, deducting a reasonable compensation for their own services, and the time and place of holding the first meeting of the directors shall be fixed by said inspectors, and the said directors shall, as soon as may be after the election, choose a president out of their own number, who shall reside within the aforesaid limits, and the directors chosen at each annual meeting thereafter, on the second Monday in June or on such other day as the directors, for the time being, shall designate by a publication in the papers as aforesaid, shall elect a president as aforesaid, and in case of death, resignation or removal of the president or any director, the vacancy may be filled by the directors for the remainder of the year. And the said company, when organized as aforesaid, shall have power to erect and maintain all necessary water-works, fountains, reservoirs and conduits, and also to obtain and secure the right to use, divert and appropriate any springs, streams and ponds of water, or either, in the counties of Middlesex or Somerset, as they may deem necessary for the purposes hereby contemplated.

Payment of instalments.

4. *And be it enacted*, That four directors shall constitute a quorum, who shall be competent to transact all business of the said corporation; the directors shall have power to call in the remainder of the stock subscribed for, by instalments of two dollars each, upon thirty days' notice, published in said newspapers, provided that not less than

thirty days shall intervene between the payments of the respective instalments; they shall have power to forfeit shares upon which default shall arise, to and for the use of the company, and also to appoint and remove such officers and workmen, and fix the salaries of their officers as to them shall seem proper, and annually appoint inspectors of election for directors.

Company authorized to construct works.

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 and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force pumps, and all other works and devices which they may deem necessary for supplying the city of New Brunswick, within the limits aforesaid, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and all 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 water in said counties, 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 works and appendages thereto; doing no unnecessary damage to private or other property. And when said locations shall have been determined on, the president and directors shall cause a map to be made of all the lands (except streets now in use), which they require for the purposes aforesaid, and file the same in the office of the clerk of Middlesex, and then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workman, 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 neces-

sary for completing the works hereby contemplated, as is hereinafter provided for.

Proceedings when company and owners cannot agree.

6. *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 unknown, or out of this state, by publication in both the New Brunswick papers 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 days from the publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said judge shall make said appointment of three commissioners, and on the said day and at the place named in said notice, the said judge shall make such 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 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 work, 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 report the metes and bounds of the land assessed, which said report the said company shall file in the office of the clerk of the county of Middlesex or Somerset, to remain of record therein, and a copy thereof certified by the clerk of said counties, 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 said 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 said award, and so paid for, shall be vested in said company.

Parties dissatisfied may appeal.

7. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the commissioners, named 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 such owner had summoned the said company to appear before them; and if the jury, upon the trial of the cause, shall find a greater sum than the commissioners have awarded, or the company offered, in favor of the 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 injuring works.

8. *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 reservoir, conduit, pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard

labor not exceeding two years, or both, provided such criminal prosecution shall not in anywise impair the rights of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of this state having cognizance of the same.

Company authorized to lay down pipes.

9. *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 purposes aforesaid, free of all charge to be made by any person or persons, or body politic whatsoever, for said privilege, and also such hydrants at the crossings or intersections of 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 or private property.

Water rents.

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

Time of commencement of works.

11. *And be it enacted*, That if the work of constructing said reservoirs and appendages shall not be commenced in good faith, in four years from the date of the approval of this act, the same shall be null and void.

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

Approved March 1, 1859.

CHAPTER XXIX.

SUPPLEMENT to an act entitled "An act for laying out, opening and improving certain roads in the counties of Cumberland, Salem, Gloucester and Burlington, in this state," passed February fifteenth, seventeen hundred and ninety-four.

WHEREAS, by the act to which this is a supplement, the commissioners therein named, were authorized and empowered amongst other things, to lay out a public road, four rods in width, from the village of Roadstown, in the county of Cumberland, to Mullica Hill, in the county of Gloucester, which said road cannot be removed, relaid, altered or vacated, except by an act of the legislature of the state; AND WHEREAS, it appears to the legislature that a large majority of those most interested in said road, are desirous of having the width of said road, from the village of Roadstown, in the county of Cumberland, to the Pittsgrove Presbyterian meeting house, in the county of Salem, changed and narrowed to three rods; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Belford M. Bonham and Daniel M. Woodruff, of the county of Cumberland, and Emmer Reeve, of the county of Salem, be and they hereby are appointed commissioners to alter the width of said public road, to three rods, from the village of Roadstown, in the county of Cumberland, to the Pittsgrove Presbyterian meeting house, in the county of Salem. Commissioners to alter road.

2. *And be it enacted*, That the said commissioners shall cause an exact and accurate return of the courses and distances of the said road, so altered, to be made, which return shall be signed by the said commissioners respectively, or a majority of them, and recorded in the road books of the counties of Cumberland and Salem, which said road so altered and recorded as aforesaid, shall be and remain a

lawful highway, until changed, altered, or vacated according to law.

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

Approved March 1, 1859.

CHAPTER XXX.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Elizabethtown Mutual Assurance Fire Company," passed the 10th day of November, A. D. eighteen hundred and twelve.

Former acts continued in force, &c.

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 Elizabethtown Mutual Assurance Fire Company," passed the tenth day of November, A. D. eighteen hundred and twelve; and the supplement thereto, passed the twentieth day of February, A. D. eighteen hundred and twenty-nine, and the acts to amend said supplement passed the first, on the second day of February, A. D. eighteen hundred and thirty-one, and the other the fifteenth day of February, A. D. eighteen hundred and thirty-nine, and all the provisions thereof, except so far as the same shall be modified, amended, altered, or repealed by this act, are hereby extended and continued in force until the first day of April, A. D. eighteen hundred and eighty-one.

2. *And be it enacted*, That the said "The Elizabethtown Mutual Assurance Fire Company" shall hereafter be known and designated by the name and style of "The Elizabeth Mutual Insurance Company," and by that name have and exercise all the powers and privileges conferred by the said original act and the said supplement, and acts to amend the same, and be liable to all the duties and obligations therein contained. Corporate name changed.

3. *And be it enacted*, That the directors of the said company shall have power to fix and determine the rate or advance to be paid by persons applying to become members of the company. Directors to fix rates, &c.

4. *And be it enacted*, That the third section of the said original act, and all after the words "as directors" in the fifth section, be and the same are hereby repealed; also so much of the said act as requires monthly meetings of the directors, and as fixes the first meeting of the directors in every year, and that requires the seal of the company to the policies. Part of former act repealed.

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

Approved March 1, 1859.

CHAPTER XXXI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the fire department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of said act is hereby repealed.

City Council may authorize formation of fire companies, &c.

2. *And be it enacted*, That the council of the city of Hoboken shall have the power to authorize the formation of so many fire engine, hose, and hook and ladder companies as they may deem desirable, for the purpose of protecting the property in said city from damage or destruction by fire; *provided*, that no engine company shall be composed of more than fifty men, or hose or hook and ladder company of more than forty members.

Proviso.

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

Approved March 1, 1859.

CHAPTER XXXII.

AN ACT to change the time of holding the annual meeting of Mannington Marsh Company, from the first Monday in April to the first Tuesday in March.

Preamble. WHEREAS, by an act, passed November twenty-nine, seventeen hundred and eighty-eight, 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," is provided that the annual meetings of all such companies shall be held on the first Monday in April; AND WHEREAS, the owners of land in the Mannington Marsh Company, of Salem County, are also owners of land in other companies, and are thereby prevented from attending the annual meeting of but one of them; therefore,

Time of meeting changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful, from the passage of this act, for the Mannington Marsh Company, to change the time of holding their annual meeting, from the first Monday in April to the first Tuesday in March.

Approved March 1, 1859.

CHAPTER XXXIII.

AN ACT to incorporate the Delaware, Raritan and Schuylkill Live Stock Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George B. Raymond, George M. Wright, P. D. Thomas, T. C. Zulick, and Lucius B. Blydenburgh and others, their associates, successors and assigns, who may hereafter become associated with them in the manner hereafter prescribed, shall be and are hereby ordained, constituted and declared to be a body corporate, in fact and in law, by the name of "The Delaware, Raritan and Schuylkill Live Stock Insurance Company," the principal office thereof to be located in the borough of Bordentown, in the county of Burlington, and by that name they and their successors, by the name of "The Delaware, Raritan and Schuylkill Live Stock Insurance Company," shall be in law capable of purchasing, possessing, taking, holding, and enjoying, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, devise, alien, and dispose of at pleasure for the benefit of said Company.

What property may be insured.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to insure horses, cattle, and all kinds of live stock, against loss or damage, either by death, accident, diseases, or natural causes, and generally to insure against all losses pertaining thereto.

Election of directors.

3. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be citizens of this state, to be chosen by ballot by and from among the stockholders, 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 first Monday in December in every

year, between the hours of ten in the forenoon and three in the afternoon, in Bordentown, aforesaid, at the office of the company, or at such other places therein as a majority of the directors for the time being shall appoint, of which election the secretary shall give public notice in one or more of the newspapers printed in the borough of Bordentown, at least two weeks immediately preceding said election, and each stockholder shall be entitled to one vote for each share of stock by him or her held; and if any of the said directors shall die or refuse to serve, or neglect to act in said office for the space of six months, successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been, the said corporation, for that cause, shall not be deemed to 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: George B. Raymond, George M. Wright, P. D. Thomas, T. C. Zulick, and Lucius B. Blydenburgh. First directors.

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

company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Duties and powers of directors.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching all such other matters as appertain to the business, ends and purposes which the corporation by this act is entitled to, and they also shall have power annually to appoint a secretary, treasurer, and such other additional officers, agents, and clerks for carrying on the business of the said corporation with such salaries and allowances as to them shall seem proper; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States and this state.

Proviso.

Amount of capital stock.

6. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and which shall be held as a guarantee capital, with power to increase the same to one hundred thousand dollars, whenever the same shall be directed by a majority of the stockholders, and the persons named in the first section of this act are hereby appointed to receive subscriptions to said capital stock at such place in the Borough of Bordentown, as a majority of them may appoint, giving at least five days' notice in a newspaper published in said borough; that at the time of subscribing to said stock five dollars shall be paid upon each share subscribed for, to said persons or any of them, which money shall be paid over to the treasurer of said company, so soon as one shall be appointed, and that the residue of said stock shall be paid to the treasurer in such instalments and at such times and places as the board of directors of said company shall from time to time direct, and 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 instalments or any of them to and for the use of said company.

Policies of insurance.

7. *And be it enacted*, That all policies of insurance, notes, or other contracts which shall be made by the said corporation in pursuance of this act shall be made upon such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of said corporation, and all policies of insurance, notes and contracts made or entered into by the said corporation, shall be sealed with the corporate seal thereof and shall be subscribed by the president and attested by the secretary thereof.

Sub-offices may be established.

8. *And be it enacted*, That the board of directors of said company, or a majority of them, shall have power to establish sub-offices, in such other places as a majority of the said directors may deem necessary or expedient.

Suits may be maintained against members.

9. *And be it enacted*, That suits in law or in equity, may be maintained by said corporation, against any of its members, for any cause relating to the business of said corporation; also suits at law or in equity, may be prosecuted and maintained, by any person, against said corporation, for losses, or damages, if payment is withheld more than three months after the company is duly notified of such losses.

When policies may be issued.

10. *And be it enacted*, That no policy shall be issued by the said company, until two hundred shares of its capital stock shall be subscribed for.

Stock transferable.

11. *And be it enacted*, That the capital stock of said company shall be transferable on the books of said company, in the presence of the president or secretary thereof, which transfers of stock shall be kept in a suitable book to be provided for that purpose.

Surplus profits may be invested.

12. *And be it enacted*, That it shall and may be lawful for said company to take securities, mortgaged or pledged to said company, to secure the payment of any debt, which may be contracted with said company, or which may come to said company by virtue of any judgment, execution or

decree at law or in equity, and to hold the same, until they can conveniently sell or convert the same into money and also to invest the capital stock, or so much of the surplus profits of said company as they may deem fit, and in such manner, and upon such securities as a majority of the board of directors may determine.

Limitation.

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

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

Approved March 1, 1859.

CHAPTER XXXIV.

AN ACT to change the name of the First Colored Presbyterian Congregation of Newark.

Name of church changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the First Colored Presbyterian Congregation of Newark, is hereby changed to the Plane Street Presbyterian Church in Newark.

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

Approved March 1, 1859.

CHAPTER XXXV.

A FURTHER SUPPLEMENT to an act entitled an act to incorporate "The Bordentown and Columbus Turnpike Company," approved March fourteenth, eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth section of said act, be so amended, that it shall and may be lawful for the said company, to demand and receive the rates of toll prescribed in said section, for all fractions over seven sixteenths of a mile; also from any person or persons, going to or from other than their regular places of worship, on the sabbath day. Former act amended.

2. *And be it enacted*, That so much of said act, as is inconsistent with this act, is hereby repealed. Part of former act repealed.

Approved March 1, 1859.

New Jersey State Library

CHAPTER XXXVI.

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

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is supplementary be, and the same is hereby repealed, as far as the said act relates to the counties of Passaic, Burlington and Morris.

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

Approved March 1, 1859.

CHAPTER XXXVII.

A FURTHER SUPPLEMENT to the act entitled "An act respecting the Orphans' Court, and the power and authority of Surrogates," approved April sixteenth, one thousand eight hundred and forty-six.

Application of sureties of executors, &c., to be released from responsibility.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, When either, or all of the sureties of any executor or executors, administrator or administrators, or guardian or guardians, shall desire to be released

from responsibility on account of the future acts, or defaults of such executor or executors, administrator or administrators, guardian or guardians, such surety or sureties may make application to the orphans' court of the county in which the letters testamentary, or of administration, or of guardianship were granted for relief.

Proceedings on application.

2. *And be it enacted*, The said orphans' court shall thereupon direct to be issued a citation to such executor or executors, administrator or administrators, or guardian or guardians, requiring him or them to appear before said court, at a time and place to be therein specified, to state and settle his or their account of the estate that has come into his or their hands, and of the claims presented to him or them against the same, and to give new sureties, in the usual form, for the discharge of his or their duties; which citation shall be served on each person to whom it is directed, or a copy thereof, left at his dwelling house or usual place of abode, at least ten entire days prior to its return; and if any person, against whom such citation is issued, does not appear at the return thereof, and it shall be made to appear to the satisfaction of the court, that such person is out of the state, or cannot upon due inquiry be found therein, or that he conceals himself within this state, the court may by order direct that he appear at such time as shall seem reasonable to the court, which order may be served or published in any manner that the court may see proper in the same to direct, and on proof of the service or publication of said order, and of the performance of the directions contained in said order, the court may proceed as if such person had been duly served with a citation.

Court may order relief if new sureties are given.

3. *And be it enacted*, If upon the return of such citation served, or upon the proof of the service or publication of the order referred to in the last preceding section of this act, the executor or executors, administrator or administrators, or guardian or guardians therein named, shall give new sureties to the satisfaction of said court, the court may thereupon make order that the surety or sureties, who

applied for relief in the premises, shall not be liable on their bond for any subsequent act, default or misconduct of such executor or executors, administrator or administrators, guardian or guardians.

Letters may be revoked in case of default, &c.

4. *And be it enacted*, If such executor or executors, administrator or administrators, or guardian or guardians, neglect or refuse to state and settle his or their account as aforesaid, and to give new sureties to the satisfaction of the court, on the return of the citation, or within such reasonable time as the court shall allow, the court shall, by order or decree, revoke the letters testamentary, or of administration, or of guardianship, of such executor or executors, administrator or administrators, or guardian or guardians, and proceed to appoint some other proper person as administrator, with the will annexed, or as administrator, or as guardian, in the room and stead of the person or persons, so neglecting or refusing to give sureties, which person so appointed, shall, before he enters upon the duties of his appointment, give bond to the ordinary, in such sum, and with such sureties, as the court shall require, for the faithful performance of his duties.

Executor, &c., to deliver over assets, &c.

5. *And be it enacted*, Every executor, administrator, or guardian whose duties shall cease by such order or decree, shall immediately deliver over to such newly appointed administrator with the will annexed, or administrator, or guardian, all goods and chattels, moneys or other assets, or effects, which he may have held as executor, administrator or guardian, or shall be proceeded against, as is directed in the ninth section of the act to which this is a supplement.

Approved March 1, 1859.

CHAPTER XXXVIII.

AN ACT to change the name of Hartman Vreeland Van Horn, of Bergen, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Hartman Vreeland Van Horn, of the township of Bergen, in the county of Hudson, be changed to Hartman Vreeland, and that henceforth all business and other transactions had by or with the said Hartman, shall be in the name given him by this act; *provided*, nevertheless, that nothing herein contained shall in any manner affect any matter, thing, or transaction heretofore had by or with, in favor of, or adverse to the said Hartman. Name changed. Proviso.

Approved March 1, 1859.

CHAPTER XXXIX.

AN ACT authorizing the trustees of the Methodist Independent Church, or Free Communion Chapel, established at Shark river, in union with the Methodist Protestant Church, in the township of Wall, in the county of Monmouth, to convey certain property.

Trustees authorized to convey property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees, or their successors, of the Methodist Independent Church, or Free Communion Chapel, established at Shark river, in union with the Methodist Protestant Church in the township of Wall, in the county of Monmouth and state of New Jersey, are hereby authorized and empowered to sell by public vendue, or otherwise, all the goods and chattels and church edifice of the Methodist Independent Church, or Free Communion Chapel, at Shark river, in the township, county, and state aforesaid, and to execute a good and sufficient deed or deeds for the same, to the purchaser or purchasers, and to appropriate the proceeds of the sale towards the payment of the debts and liabilities of the said, the Methodist Independent Church, or Free Communion Chapel, at Shark river aforesaid, and the balance to be used by the said, the trustees of the Methodist Independent Church, or Free Communion Chapel, established at Shark river, in union with the Methodist Protestant Church aforesaid, or their successors, for the benefit of their society.

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

Approved March 1, 1859.

CHAPTER XL.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to allow and pay such compensation as may be deemed proper, to the three freeholders of the said city, who are required to value the lots on the atlas of the said city, and to perform certain other duties by virtue of the sixteenth section of an act approved April the tenth, A. D. eighteen hundred and fifty-five, entitled "a further supplement to an act entitled an act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven; *provided*, that said compensation shall in no case exceed the sum of two hundred dollars, to each of said freeholders. Compensation to freeholders. Proviso.

2. *And be it enacted*, That any provision in the charter of the said city, or in any of the supplements thereto, which is repugnant to any of the provisions of this act, be and the same is to that extent hereby repealed. Part of former acts repealed.

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

Approved March 1, 1859.

CHAPTER XLI.

A SUPPLEMENT to the act entitled "An act to incorporate the Newark and Springfield Railroad Company," approved February twenty-fifth, eighteen hundred and fifty-three.

Time for commencement and completion extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing and completing the railroad, authorized by the act to which this is a supplement, shall be computed from the fourth day of July next, and that the said act shall not be deemed void by reason of said road not having been commenced and completed within the time limited by said act, but that the same is hereby revived and in full force, and that the road authorized by said act, may be constructed to any point in the city of Newark, at or south of Market street.

Approved March 1, 1859.

CHAPTER XLII.

SUPPLEMENT to the act entitled "An act for the limitation of actions," approved the sixteenth day of April, eighteen hundred and forty-six.

Prosecution to be commenced within certain time.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any prosecution to be had or commenced upon any bond heretofore given, or hereafter

to be given, by any insolvent debtor or person arrested upon final process in any civil action, to the sheriff of any county in this state, for the benefit of the prison limits, shall in nowise operate against or in any manner affect the securities named and bound in such bond, unless such prosecution shall be commenced within sixteen years next after the date of said bond.

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

Approved March 1, 1859.

CHAPTER XLIII.

AN ACT relative to bills of exchange, promissory notes, and other negotiable instruments.

Loss of instrument not to prevent recovery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an action shall be or has been brought upon, or a plea or a notice set off, shall set up any negotiable instrument which has been lost, that the fact of the loss of such instrument while negotiable, by delivery or otherwise, shall not prevent a recovery thereon, in a court of law; but that any court of law shall give judgment in the same manner as if such note was not lost, and may take the same order thereon as a court of equity would, to indemnify the party charged against the repayment thereof.

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

Approved March 1, 1859.

CHAPTER XLIV.

A SUPPLEMENT to the act entitled "An act respecting the Court of Chancery."

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-second section of the act entitled "An act to simplify the pleadings and practice in courts of law," approved March seventeenth, eighteen hundred and fifty-five, be and the same is hereby extended to suits and decrees in the court of chancery.

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

Approved March 1, 1859.

CHAPTER XLV.

AN ACT to extend the charter of the Salem Banking Company.

Charter 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 Salem Steam Mill and Banking Company, in the county of Salem," passed the sixth day of November, one thousand eight hundred and twenty-two, and the supplement thereto, passed the eleventh day of November, one thousand eight hundred and twenty-five, together with an act entitled "An act to extend the charter of the Salem Banking Company," passed the fourth day of March, one thousand eight hundred and forty-one, be and the same are hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance, at which time this act shall take effect.

Assets to be liable for payment of notes.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of the said corporation at the time of its becoming insolvent, shall be first liable for its bills and notes then in circulation, and shall be first applied to the payment thereof, and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery, or other court, the holders of such bills or notes shall be equal in priority and shall have preference over all other creditors.

Liability of directors.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and

several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no resignation had been attempted; and such liability of directors shall continue after they ceased to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets to be divided pro rata.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes,

Proviso.

then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Actions against directors or stockholders.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Approved March 1, 1859.

CHAPTER XLVI.

AN ACT to confirm the last will and testament of Joseph Bosenbury, of the county of Hunterdon.

Preamble.

WHEREAS, Joseph Bosenbury, late of the township of Amwell, in the county of Hunterdon, and state of New Jersey, did, in his lifetime, make and execute his last will and testament, in writing, under his hand and seal, bearing date the twentieth day of April, in the year of our Lord one thousand eight hundred and thirty-five;

AND WHEREAS, said last will and testament was admitted to probate, and letters testamentary issued to Elizabeth Bosenbury and John Bosenbury, the executors named in said last will and testament, on the twenty-seventh day of September, in the year one thousand eight hundred and thirty-six; AND WHEREAS, the said executors have ever since acted under the said last will and testament, with the approval of all interested in said estate as appears by a petition of the heirs at law of the said Joseph Bosenbury; AND WHEREAS, the said last will and testament, in consequence of legal advice given by the person who drew the said will and testament, was attested by but two witnesses; therefore,

Will confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of the said Joseph Bosenbury, deceased, bearing date the twentieth day of April, in the year one thousand eight hundred and thirty-five, be and the same is hereby, in all things confirmed; and that said last will and testament, and the grants and bequests therein contained, as also all acts and conveyances made, or that may hereafter be made by the said executors, or the survivor of them, in pursuance of the directions of the said last will and testament, shall be and the same are hereby declared to be as good and effectual in law, to all intents and purposes, as if the said last will and testament had been executed, published, signed and declared in the presence of three subscribing witnesses.

Approved March 1, 1859.

CHAPTER XLVII.

A SUPPLEMENT to the act entitled "An act respecting the Orphans' Court and the power and authority of Surrogates."

Guardianship of minors residing out of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where an orphan is of the age of fourteen years, or upwards, and resides out of this state, and in some other state or territory of the United States, letters of guardianship shall be granted in this state, on petition to the orphans' court, signed by such orphan, in the presence of a judge of a court of record in the state or territory in which such orphan may reside, and which signature shall be acknowledged before said judge, in the same manner and form as acknowledgment of deeds are required to be acknowledged by the laws of this state, which guardians shall have the charge of property in this state as fully as the guardians of minors are now authorized by law.

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

Approved March 1, 1859.

CHAPTER XLVIII.

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 township of Westfield, in the county of Union.

Provisions of former 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, be and the same are hereby extended to the township of Westfield, in the county of Union.

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

Approved March 1, 1859.

CHAPTER XLIX.

AN ACT to authorize the trustees of "the First Methodist Episcopal Church of Newton," to sell and convey certain real estate, situate in the village of Newton, in the county of Sussex.

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of "the First Methodist Episcopal Church of Newton," or their successors in office be, and they are hereby authorized and empowered to sell and convey, either at public or private sale, all that lot of land situate in the village of Newton, in the county of Sussex, which was conveyed by John H. Hall, and Elizabeth his wife, to Samuel Ingersoll, James Iliff, Azariah Davis, Francis Moran, Lewis M. Decamp, Ira Beade, and the said John H. Hall, trustees, by deed bearing date the nineteenth day of March, in the year of our Lord one thousand eight hundred and thirty-two, together with the buildings and improvements thereon, with the appurtenances, and the deed or deeds of the present trustees of "the First Methodist Episcopal Church of Newton," or of their successors in office, duly executed and acknowledged, shall convey and assure to the purchaser or purchasers thereof as good, perfect and absolute an estate in fee simple in said land and premises, as if the same were, or had been sold and conveyed in the manner and for the purposes mentioned in said deed of John H. Hall and wife to said Samuel Ingersoll and others, trustees.

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

Approved March 1, 1859.

CHAPTER L.

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

Boundaries of township of Monroe.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Washington, contained within the following bounds, that is to say: Beginning at a point where the Glassborough and Cross Keys road intersects the boundary line between the counties of Camden and Gloucester, thence along said line to the boundary line between the counties of Camden and Atlantic; thence along said last mentioned line to a point on Great Egg Harbor river, where the boundary line between the townships of Washington and Winslow commences; thence along said last mentioned line to a point where the Cross Keys and Long-a-Coming road crosses said line; thence along said road to Cross Keys; thence along the Glassborough and Cross Keys road aforesaid, to the place of beginning, be and the same is hereby set off into a new township to be called the township of Monroe.

Inhabitants incorporated.

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

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Monroe hold their first town meeting at the inn of Charles W. Husted, at Williamstown, in the said township of Monroe, on the second Wednesday in March next, and after-

wards in each year at such places as the inhabitants of said township shall determine.

4. *And be it enacted*, That the township committees of Washington and Monroe shall meet on the first Monday in April next, at the house of William P. Garwood, at the Cross Keys, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables as taxed by the assessors, within their respective limits, at the last assessment; and the inhabitants of the township of Monroe shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meeting of the township of Washington, and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive. Township committees to divide property.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in anywise affect the rights of the said township of Monroe in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon. Surplus revenue.

6. *And be it enacted*, That nothing in this act shall be so construed so as to interfere with the officers now elected in that part of the township set off and called Monroe, 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. Commissions of officers not vacated.

7. *And be it enacted*, That the township of Monroe shall form part of the third assembly district, of the county of Camden, as heretofore, when included within the township of Washington. Assembly district.

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

Approved March 3, 1859.

CHAPTER LI.

A SUPPLEMENT to the act entitled, "An act to incorporate the Gloucester Manufacturing Company," approved March nineteenth, eighteen hundred and forty-five.

Price of shares reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of "The Gloucester Manufacturing Company," shall be divided into shares of twenty-five dollars each, instead of five hundred dollars each, as provided for by the charter of said company; and the said company are hereby authorized to make and issue, to their several stockholders, certificates of stock for as many shares as, at the rate of twenty-five dollars per share, will equal the amount of stock respectively held by them; to be in lieu of their present certificates, which shall continue in force until such new ones shall be issued in their stead.

Approved March 4, 1859.

CHAPTER LII.

AN ACT to incorporate the Boiling Spring Bleaching Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis P. Mead, James Fisher Hind, and John R. Stewart, and the survivors and survivor of them, and all such persons as may be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Boiling Spring Bleaching Company," to be located in the township of Union, in the county of Bergen, and state of New Jersey, for the purpose of carrying on the business of bleaching and finishing cotton and woolen goods, and erecting and constructing buildings and such other improvements on their lands as may be useful or necessary for the purpose aforesaid; 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, 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 manufacturing operations before mentioned; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations; *and provided also*, that the said the Boiling Spring Bleaching Company shall not divert the water which

Names of corporators.

General powers.

Proviso.

Proviso.

flows through the lands of the estate of Daniel Holsman, deceased, from its present channel, and that the water of the said stream shall not be injured on said land for domestic purposes.

Election of directors.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by three directors, being stockholders (one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in October 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 Bergen, or by notice given by the president to each stockholder; and each stockholder shall, at such election, be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving, in such elections, the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said Lewis P. Mead, James Fisher Hind, and John R. Stewart, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in October next, and until others are legally chosen.

First directors.

Amount of capital stock.

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 thousand

dollars each, but as soon as fifty-five thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for the said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published, for the space of thirty days, in one or more 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.

Stock transferable.

4. *And be it enacted*, That the stock and property of the said corporation, of whatsoever kind or nature, 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.

Corporation not dissolved for failure to elect on day prescribed.

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 days as shall be prescribed by the by-laws of the said corporation.

Directors to make by-laws.

6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said cor-

Proviso. poration; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Books of accounts 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 said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Limitation. 8. *And be it enacted*, That this act shall continue in force for the term of twenty years from the time of its passage;

Proviso. *provided, nevertheless*, that the legislature reserves the right to alter or amend this act whenever the public good may require it.

Approved March 4, 1859.

CHAPTER LIII.

AN ACT to incorporate the Camden and Haddonfield Passenger Railroad Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Fetters, William Coffin, William M. Collins, William Folwell, Samuel Andrews, Genge Browning, Josiah B. Evans, Joseph B. Tatem, Jesse E. Peyton, Samuel S. Willets, Edward Bettle, and such other persons as may be hereafter associated with

them, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of the "Camden and Haddonfield Passenger Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or proper for the object of the said corporation hereby created.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with privilege 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 transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

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

Election of directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Payment of instalments.

5. *And be it enacted*, That six directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct, and in case of the non-payment of said instalments, 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 the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the said corporation shall have power and authority to survey, lay out and construct a railroad, not exceeding fifty feet in width, with one or more tracks, from, at or near the foot of Market street, in the city and county of Camden, up and along said Market street to some point easterly of Eighth street, in said city, and from thence southerly along some other of the streets of said city, which are now or may be established, to, at or near the Haddonfield and Camden turnpike road, and from thence on or near the said turnpike road to some place or places in the village of Haddonfield, in said county of Camden, and also to continue and construct the same from said Market street, southerly along Front street, or some other street westerly thereof to Federal street, and thence up Federal street to its intersection with said railroad; and it shall be lawful for the said corporation, their agents, engineers, superintendents and workmen, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, laying out or locating the said railroad, 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 thereof deposited in the office of the secretary of state, then it shall be lawful for the said corporation, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things necessary or proper for the completion or repair of said railroad, subject to such compensation as is hereinafter provided for; *provided*, that payment or tender of payment of all damages for the occupation of such lands, shall be made before the said corporation, or any person in their employ or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and locating said railroad as aforesaid, unless the consent of the owner or owners of such lands shall be first had and obtained;

Corporation authorized to construct road.

Proviso.

Proviso. *and provided also*, that the said railroad shall not be constructed along said Market street, or other street of said city, without the consent of the city council first had and obtained; but no damages or other compensation shall be demanded therefor, by said city, or by the owners of lands along said streets, other than that said corporation shall maintain and keep in good repair the said streets where said railroad passes, for at least ten feet in width for each track of railroad in said street; and the said railroad and the rails thereof, shall be constructed in such manner, and of such gauge, size and pattern as to impair or obstruct as little as practicable the ordinary travel on said streets and

Proviso. turnpike road; *and provided further*, that the said railroad shall not be constructed upon the aforesaid turnpike road without the consent in writing, of the stockholders holding a majority of the stock of "The Haddonfield and Camden

Proviso. Turnpike Company," being first had and obtained; *and also provided further*, that in crossing the railroad of either "The Camden and Amboy Railroad and Transportation Company," or of "The Camden and Atlantic Railroad Company," the said railroad hereby authorized to be constructed, shall be made at such intersection, on the level of those railroads, and the cuts in the rails thereof, and the crossings and connections, shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land, 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 so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of

this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land in controversy lies, or the owners reside, commissioners to examine and appraise the said land and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, the said railroad, 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 and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land is 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 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, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they, may appeal to the next circuit court in the county wherein the said lands may lie.

Proviso.

Proceedings on appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands 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 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 said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or 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, or in case of appeal found by the jury, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

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 road shall intersect and cross the same, so that the passage of carriages, horses and cattle

Company to make and repair bridges.

along the said road shall not be obstructed, and likewise when the said railroad 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 road.

What real estate may be held.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any intermediate depot upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, warehouses, stables, machine-shops, and such other buildings and improvements as they may deem expedient for the safety of property and the 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 over such creeks or 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*, the said company, whenever it may become necessary to cross any navigable creek with their road, shall construct a bridge or bridges with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Dividends.

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

Company may construct cars, &c.

12. *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 said company, all such machinery, engines, cars, wagons, carriages, or other vehicles for the transportation of persons or any species of property on railroads as they may think fit, reasonable, expedient, or right; but no steam power shall be used as a motive or propelling power on said railroad; 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, may think reasonable and proper.

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

14. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the said roads, 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. Corporation may borrow money. Proviso.

15. *And be it enacted*, That if the said railroad shall not be commenced within three years, and be completed at the expiration of ten years, from the fourth day of July next ensuing, that then, and in that case, this act shall be void. Time for commencement and completion of road.

16. *And be it enacted*, That it shall be lawful for the corporation hereby created, and the aforesaid "The Haddonfield and Camden Turnpike Company," with the consent of two-thirds, in value, of such of the stockholders of said companies as shall attend a meeting thereof upon the joint call of their respective presidents, to be published at least four weeks successively in two of the newspapers printed and published in the county of Camden, specifying the time, place and object of such meeting, to consolidate the capital stocks of said two companies upon such terms and conditions, and with such capital as may be agreed and determined upon by their respective boards of directors; Stock may be consolidated.

and that whenever the said capital stocks shall be so consolidated, a certificate thereof, under the common seal of the said two companies, attested by their presidents, shall be filed in the office of the secretary of state at Trenton, and thereupon the said two companies shall be and become a corporation and body politic, in fact and in law, by the name of "The Camden and Haddonfield Passenger Railroad and Turnpike Company," with such capital as may be agreed upon and determined as aforesaid, not exceeding the amount of the joint capitals thereof, and with all the powers, privileges, and franchises of said two companies, but subject to all their restrictions, limitations, conditions, and penalties; and it shall be lawful for the stockholders of said two companies, as soon as conveniently may be after said consolidation, upon the joint call of their then late presidents, to be made and published as above set forth, to elect from among themselves a board of eleven directors for such consolidated company, to manage the affairs thereof for one year next ensuing, and until others shall be elected in their stead; and annually thereafter the stockholders of such consolidated company shall elect a like board of directors to manage the affairs of said company; which board and boards of directors shall have all the powers and privileges to elect and appoint a president and other officers, agents and workmen, and to conduct and manage the affairs of such consolidated company as is hereinbefore provided for and given to and conferred upon the boards of directors for the said "The Camden and Haddonfield Passenger Railroad Company," as to such company.

Approved March 4, 1859.

CHAPTER LIV.

AN ACT to revise and amend the Charter of the City of Perth Amboy.

Inhabitants incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Perth Amboy, as the same now extends and is laid out, and their successors, shall continue to be as now constituted, a body corporate, in fact and in law, by the name, style and title of "The Inhabitants of the City of Perth Amboy," and are hereby absolutely vested with, and possess all the property, rights, causes of actions and estates, whatsoever, both at law and in equity, which at present belong to the inhabitants of the said city, in their corporate name.

City officers.

2. *And be it enacted*, That there shall be in said city, a mayor, who shall be keeper of the city seal; a recorder, who in case of the death or disability of the mayor shall execute the duties of the mayoralty; three aldermen; six members of council, the major part of whom shall constitute a city council, of whom the mayor, or recorder, shall be one, to preside at all meetings, and have a casting vote only, which city council shall have power to meet on their own adjournments, and the whole legislative authority shall be exclusively vested therein; *provided*, no ordinance or by-law be passed, altered, or repealed, without the consent of six members of the city council, and no ordinance shall be passed on the same day that it is introduced.

Proviso.

Officers to take oath.

3. *And be it enacted*, That the mayor shall, before he enters upon the duties of his office, take and subscribe before the clerk, the oath or affirmation of allegiance to the state, and an oath or affirmation that he will faithfully, impartially and justly perform all the duties of such office, so far as in him lies; and the other officers elected by virtue hereof, shall in like manner, take and subscribe before the mayor or clerk similar oaths or affirmations, which shall be taken and subscribed within ten days after

the election, to be held as hereinafter to be mentioned, and shall be filed by the clerk.

Annual election.

4. *And be it enacted*, That the election in and for the said city shall be held on the second Monday of April, and the clerk shall cause public notice of the time and place of holding such annual election to be set up in five public places in the city or advertised in the newspapers published therein, at least one week previous to the day of such election; and all persons, inhabitants of said city, who now are or may hereafter be qualified to vote at township meetings in the several townships of this state, shall be entitled to vote thereat.

Officers to be elected.

5. *And be it enacted*, That at the next annual election, to be held on the second Monday of April next, it shall and may be lawful for the electors of said city to assemble at the city hall therein, and then and there, by ballot and a plurality of votes, to choose from among the citizens residing therein and entitled to vote at such election, one mayor, one recorder, three aldermen, six members of council, one clerk, one assessor, one collector, one or more overseers of the poor, one or more school trustees, one or more constables, three or more commissioners of appeal in cases of taxation, two chosen freeholders, two surveyors of the highways, one auditor, one judge of election, one town superintendent of public schools, who shall continue in office for one year, and until their successors shall be elected and qualified, and on the second Monday of April annually thereafter, the electors qualified as aforesaid shall and may assemble at the place appointed by the city council, and elect, in manner aforesaid, said officers for the like term of one year and till their successors are chosen and qualified.

Manner of conducting election.

6. *And be it enacted*, That all elections hereafter to be held in the city for officers of the general and state governments, that may be eligible by the people, shall be held therein at the place appointed for holding the city election, on the day or days now or hereafter to be designated by law for holding such election, and shall be regulated and

conducted in the same manner as like elections in the several townships now are or may be subjected to and conducted; and the judges thereof shall possess the same power, perform the same duties, receive the same emoluments, and incur the same penalties as are imposed on the judges of the like elections in the several townships of this state.

Time of opening and closing poll.

7. *And be it enacted*, That the poll for the next and each succeeding election shall be opened at the hour of eight o'clock A. M., and closed at the hour of seven o'clock in the afternoon; the judge of election, assessor, and collector of the city of Perth Amboy, shall be the judges of the next election, and the same officers as chosen by virtue of this act shall be the judges of each succeeding election; any vacancy or vacancies shall be filled in the manner regulating the same in the several townships of this state; the names of all persons voting shall be written in a poll-book, to be kept by the city clerk; and the judges shall, after counting the votes for the several candidates, certify the result under their hands, and file the same in the office of the clerk.

Powers and duties of officers.

8. *And be it enacted*, That the clerk, assessor, collector, judge of election, commissioners of appeal, chosen freeholders, surveyors of the highways, constables, school trustees, town superintendent of public schools, and overseers of the poor, shall respectively possess the powers and perform the duties of the like officers of any township of this state; so far as shall be consistent with this act; and the city council shall possess the powers and perform the duties which are now vested in the township committee of any township in this state, so far as the same are consistent herewith.

Assessor and collector.

9. *And be it enacted*, That the city assessor shall assess upon persons and property, and the city collector shall collect the state and county taxes in like manner as the same now or may be hereafter assessed and collected in the several townships.

Duties and power of city council.

10. *And be it enacted*, That the city council in their *legislative* capacity shall, and may make, pass, seal with the common seal of the said city, and publish such and so many regulating by-laws or ordinances for the following enumerations, and for such other purposes and things as may hereafter be ordered by the regular annual city or town meeting, viz.: for the establishment and maintenance of one almshouse, or workhouse or more, for the relief of the poor, and to regulate the same, 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; vendues; weights and measures; gauging of casks of liquors and liquids; also ordinaries; victualling-houses; and the vending of fish, meats, and vegetables; also hawkers, peddlers, and petty showmen; of all the officers and persons inhabiting or making a temporary residence of the said city; and of the commerce thereof; the goods, wares, and merchandise necessary to be gauged, measured, or weighed; the inspection of vessels, passengers, or goods; the fees and salaries of all officers to be chosen by the electors, or appointed by the city council of said city; the fares and rates of ferriage to and from the said city; the anchoring and mooring of vessels within the harbor of the said city; the wharves, public and private; the building of wharves and bulkheads; wharfing and wharfage; nuisances within the said city or haven, and obstructions within the harbor; the planting and protecting of shade trees; the erection of houses, factories, and other buildings, as to their materials and construction, in reference to the health, safety, and comfort of the occupants, and of persons residing in the immediate neighborhood of the same; to declare by a general law what are nuisances, and to cause the same to be abated or removed; public walks; trespasses committed in gardens and other inclosures; the cleaning of chimneys; the organization, maintenance, and control of a fire department, prescribing, from time to time, its officers and the number of its members; to make such provisions in regard to the time and mode of appointment and

removal of either such officers or members; to make such requisitions in respect to their qualifications and period of service; to define their office and duties; to fix and pay such compensation for their services; and, in general, to make such regulations in regard to their conduct and management, and the management and conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances; likewise to make all such ordinances for the adoption and provision of suitable safeguards against fire, as they shall deem it expedient; the oaths or affirmations of office of all the officers not provided for by this act, or other statutes of this state; the penalties on all officers for refusing or neglecting to qualify into office, when elected or otherwise appointed, and penalties for the breach of ordinances or by-laws; the burial of the dead; public lights and lamps; the making and laying out of all alleys, streets, and public grounds or parks, to ascertain and establish the lines and boundaries of the same, and to prevent and remove all encroachments, encumbrances, and nuisances upon the same; the improvement of streets and sidewalks; and to compel the occupiers and owners of lots to keep the sidewalks and the gutters opposite their lots swept and clean, and clear of snow and ice, and other impediments; building, repairing, and cleaning of sewers; preventing horses, cattle, dogs, swine, or other animals from running at large in the streets, and to provide for the impounding and sale of the same; preventing immoderate driving in any streets, and riding or driving over or on the sidewalks; the erection and maintenance of a city prison; the construction and regulating of wells and pumps; and the laying of water or other pipes in the streets of the city; the erection and maintenance of one or more public markets; the erecting and regulation of gas-works, and their necessary appendages; the construction of railroads in the streets of the said city; railroad depots; and the speed and running of locomotive engines and railroad cars through said city; licenses of public cartmen, draymen, teamsters, omnibus drivers, carriage drivers, porters,

and auctioneers; the due observance of the Sabbath; fire-works, and firing of guns and cannons; the organization and control of a city police and night-watch, in such a manner, not inconsistent with the laws of this state, as they shall deem most conducive to the preservation of good order, and to the safety of the persons, and protection of the property of the citizens; to prohibit and suppress gambling, riots, vice, immorality; and to restrain and punish drunkards, vagrants, mendicants, and street beggars; for the recovery and appropriation of all fines, forfeitures, amercements, and penalties not provided for by this act or other statute of this state; *provided*, no ordinance or by-law of said city shall be made repugnant to the constitution or laws of this state; and the said city council of the said city of Perth Amboy, shall and may regulate the assize of bread within the said city, from time to time, and at all times hereafter.

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And the city council, in their *executive* capacity, shall have full power to order, from time to time, as to them shall seem meet, the several improvements to be made, which are named in the thirty-first section of this act; and they shall also have full power to order such other things as they may hereafter be authorized and directed to do by a regular annual city or town meeting, upon the recommendation of the city council, the necessary amount of money being appropriated by such city or town meeting for such specific purpose.

Annual city or town meeting.

The annual city or town meeting shall be held at two o'clock in the afternoon on the second Monday of April in each year, at the same place where the city election on that day is held, for the purpose of raising and appropriating money for the use of the city; and the city council shall recommend to such meeting the amount of taxes to be levied and the several sums to be appropriated for each particular object, and the qualified electors thereof are hereby empowered to raise and appropriate such sums, provided they do not severally exceed the amount so recommended by the city council; *provided always*, that the

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amount of money so recommended to be raised by tax or taxes by said city council shall not exceed, for city, county, and state purposes, one hundred cents on every one hundred dollars of the valuation of the assessed property in said city, as ascertained by the assessors' return of the previous year.

License to tavern-keepers.

11. *And be it enacted*, That the city council may license such and so many tavern-keepers within said city, under the same restrictions as the court of common pleas may or can do, and no license within said city granted by any other court in the county shall be lawful; and that all penalties or fines for violation of such license shall be prosecuted and recovered before one of the justices of the peace of the city.

City treasurer and collector of arrears of taxes.

12. *And be it enacted*, That the city council when assembled shall appoint a city treasurer and a collector of arrears of taxes, and such other subordinate officers as to them shall seem necessary, and require such security, annex such duties and fees to the offices, and impose such fines for neglect of duty or misconduct therein as to them shall seem right and proper.

City council to make statement of receipts and expenditures.

13. *And be it enacted*, That it shall be the duty of the city council, besides their legislative acts, to make a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all moneys which shall have passed through the treasurer's hands, for any purpose whatever, and publish the same at least ten days before the annual town meeting. They shall hold stated meetings at least once every month, and such other meetings as they may appoint, and shall have the direction and control of the overseers of the poor; vacancies in the city council shall be filled at a special election to be called by the city council at their discretion.

Duties and powers of mayor.

14. *And be it enacted*, That the mayor, or in case of his refusal or neglect, the recorder or two members of the city council, shall have power to call special meetings of the city council. The mayor shall be the head of the police, shall have the power, and it shall be his duty, in any

breach of the peace, forthwith to commit the offender without the issuing of any warrant or process, and to bring or cause to be brought such person before the proper magistrate, to be discharged or to be dealt with according to law; and in case of any riot, insurrection, or other disturbance, shall have the power to call upon the citizens for aid; shall sign all licenses; shall sign and affix the seal of the city to all ordinances, or return the same to the clerk of the city council, within ten days after he receives it, with his reasons for refusal, after which, by a vote of seven members of the city council, he shall be required to sign the same and affix the seal; and every such ordinance shall be published for the space of one week in at least one newspaper published or circulated in said city before said ordinance shall go into effect.

Duties and powers of recorder and aldermen.

15. *And be it enacted*, That the recorder and aldermen shall severally have power, and it shall be their duty, in any breach of the peace, forthwith to commit the offender without the issuing of any warrant or process, and to bring, or cause to be brought, such person before the proper magistrate, to be discharged, or to be dealt with according to law; and in case of any riot, insurrection, or other disturbance, shall have power to call on the citizens for aid.

Duties of city clerk.

16. *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 council shall otherwise direct; countersign all licenses signed by the mayor, and keep the record of the proceedings of the council; he shall engross all the ordinances of the council in a book to be provided for the purpose, with the proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in the book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the council, and copies of the laws and 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, within six days, all moneys, which by any law or usage, are paid to the clerk of the city; he shall enter, in a book kept for the purpose, a statement of all moneys received by him and paid over to the treasurer; and also all moneys ordered to be paid out of the treasury by the city council.

Duties of treasurer.

17. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the city 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 quarterly, or oftener if required, in such manner as the council shall direct; no moneys shall be paid out of the treasury, except on a warrant signed by the mayor, or acting mayor, and countersigned by the city clerk, except for the payment of loans for the city, and certificates of indebtedness for improvements, given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasury, by said officers, except in pursuance of an order of the council, passed at a stated meeting of the board, and entered on the 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 delivers any warrant so drawn, to enter in the margin of a book, to be called "the warrant 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 said marginal entry, for the said warrant.

Moneys raised for school purposes.

18. *And be it enacted*, That all moneys raised for school purposes shall be paid by any person receiving the same, or by the collector, to the city treasurer, and such moneys

may be drawn out by the town superintendent of public schools, on a warrant of the city council.

Proceedings against delinquent tax payers.

19. *And be it enacted*, That the collector of the 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, thereunto annexed, and deliver the same to the clerk of said city, on the thirtieth day of December, in every year, except when the said day shall be on 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 thereupon the council shall deliver the same to the collector of arrears of taxes, who shall proceed and issue a tax-warrant thereon, as provided by law in cases of taxes in townships, who shall have power to collect the same in like manner in all things as the constables in townships are directed by law; *provided*, such collector 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, 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 city.

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Duties of auditor.

20. *And be it enacted*, That the auditor shall receive all accounts against the city, examine them, and ascertain if they are correct, and determine what amount, if any, should be allowed thereon, and report the same to the city council, who shall then have full power and authority to reject or pay the same; he shall audit the accounts of the town superintendent of public schools, who shall make a report of the same to the city council, indorsed by the auditor at least fifteen days before the annual election; he shall audit the general account, and sign the same before it is published; he shall also examine the treasurer's account, compare it with the vouchers, and sign the treasurer's report as auditor; he shall audit the collector's accounts, and report

the same to city council fifteen days before the annual election; he shall keep a book of all accounts brought to him to be audited, with the name of the person, the nature of the claim, work done, or service rendered, which book, at all times, shall be open to the inspection of the city council.

Proceedings in case of violation of city ordinances.

21. *And be it enacted*, That any justice of the peace in the 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 city, to issue a process either in the nature of a summons or warrant, as the same is now authorized by law, on proceedings in the court for trial of small causes, 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 to be returnable in five entire days; that such process shall state what ordinance the defendant or defendants named therein has or have violated; and that on the return of such process, or at the time to which the justice of the peace shall have adjourned the same, the said justice of the peace, shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person, of the defendant or defendants; *provided*, that 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 conducted as in cases now triable by jury in the courts for trial 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 council for a remission of any penalty that may be inflicted or adjudged.

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Laying out or opening streets, &c.

22. *And be it enacted*, That it shall and may be lawful for the city council, upon petition of at least fifty freeholders of the city, after which, thirty days' notice being

given, by the city council, to parties owning land to be taken, and lots fronting on the same, to have a hearing before the city council, before an ordinance shall be passed; and no ordinance shall be passed, unless seven members voting in the affirmative, the mayor concurring; or eight members voting in the affirmative without concurrence of the mayor, to become a law, to lay out, and open any street, road, highway, or driftway in the said city, and to cause any street, road, highway, or driftway, already laid out, in any part of the said city, to be vacated, opened, altered, or widened whenever and so often as they shall judge the public good requires the same; and the said city council shall cause maps and surveys of all streets, roads, highways, and driftways laid out, opened, altered, extended, or widened, to be made and certified under the city seal, and cause the same to be recorded in the clerk's office in the county of Middlesex, in the book of records of roads and highways for said county.

Notice to be given to the owners of land to be taken for streets, &c.

23. *And be it enacted*, That the said city council shall give notice to the owner of any lands or other real estate, with the appurtenances necessary to be taken for a street, road, highway, or driftway, or to his, her, or their representatives in the law, or legal agent, of their intentions to take such land or other real estate with the appurtenances, and appropriate it for such street, road, highway or driftway, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or real estate, with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the said city council to appoint three disinterested freeholders of the said city, commissioners to make an assessment and estimate of the damages that any such owner or owners will sustain by laying out, opening, altering, extending or widening such street, road, highway, or driftway; all which preliminary expenses are to be paid, in case no street be opened, out of the city treasury; and in estimating and assessing such damages, the said commissioners

shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury sustained by or accruing to the owner or owners thereof, by laying out, opening, altering, extending or widening any such street, road, highway, or driftway; *provided*, that no street, road, highway or driftway in the said city shall be laid out, opened, altered, extended or widened as aforesaid, except by consent of a majority of all the owners of lots to be assessed therefor, and of the lands to be taken for the purpose; *and provided also*, that such votes shall be given in proportion to the number of front feet owned by the persons entitled to vote thereon; they having one vote for each front foot they own. Proviso. Proviso.

24. *And be it enacted*, That the said commissioners, before they enter on the execution of the duty required of them, shall be sworn before any justice of the peace of the said city, to make the estimate and assessment submitted to them, fairly and impartially, according to the best of their skill and judgment; and in case of the death or disability of any one or more of the said commissioners before the completion of the duty in this act required of them, the said city council may supply any such vacancy or vacancies, and the person or persons so substituted, after having taken such oaths as aforesaid, shall have the same power as the commissioners originally appointed. Commissioners to take oath.

25. *And be it enacted*, That the said city council shall appoint a time and place, within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, or in such paper as city council may direct, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway or driftway proposed to be laid out, opened, altered, extended, widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises and make just and Meeting of commissioners.

true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of the said city, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands or real estate, with the appurtenances, subject only to the appeal hereinafter given; and upon the payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided however*, any person conceiving himself, herself, or themselves aggrieved by the proceedings of the said city council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days of making the final order of the city council, and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury, whose decision shall be final.

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Proceedings in case of non-payment of damages in case of no appeal.

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

Assessment of damages to be made.

27. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road, highway, or driftway in said city, or for the opening, altering, extending, or widening any street, road, highway, or driftway already laid out in the said city, and of all other necessary expenses incident to such laying out, opening, altering, extending, or widening, the said city council may ascertain

the whole amount of such damages and expenses, and shall then cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire, and the city council shall appoint three disinterested freeholders of the said city to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn before any justice of the peace to make such assessment fairly, according to the best of their skill and judgment; and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the city council and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots so to be assessed respectively, and such owners or occupants shall also respectively, on demand, pay to such person as shall be authorized by the said city council to receive the same, the sums at which such houses and lots shall be assessed, to be applied to the payment of the damages and expenses of laying out, opening, altering, extending, or widening the said street, road or highway as aforesaid; and under default of such payment, or any part thereof, it shall be lawful for the inhabitants of the city of Perth Amboy, by warrant, under their common seal, to levy the same, by distress and sale of goods and chattels of such owner or occupants refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupants; *provided, however*, any person conceiving himself, herself, or themselves aggrieved by the proceedings of the said city council, or of the said commissioners, may appeal therefrom to the supreme court of this state within thirty days of making the final order of the city council, and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury. Proviso.

Proviso. And *provided always*, nothing in this act contained shall affect any agreement between landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other, in the same manner as if this act had never passed; *and further*, if any such assessment or any part thereof shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, and so much money paid for the use of the person who should have paid the same; and the assessment aforesaid, and proof of payment, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who, in law, ought to bear and pay every assessment; and that in cases where the city council are authorized to make or levy any assessment for any of the said improvement under this act, they shall be authorized to borrow for a time, not to exceed twelve months, the amount of any such assessment in anticipation of the collection thereof.

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Proceedings in case of non-payment of assessment.

28. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the said city council to cause the same to be advertised in one or more public newspapers printed in the county of Middlesex, one of which shall be published in the city of Perth Amboy for two months, and by advertisements set up in five public places in the said city, for two months, thereby requiring the owner or occupants of such houses and lots to pay the sums at which said houses and lots shall have been assessed, to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots shall be sold at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and

the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment and the interest thereon, and the expense of the said advertisement, then it shall be lawful for the said city council to cause such real estate to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and the purchaser, his executors, administrators or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and any and all persons claiming under him or them, until his term shall be complete and ended; and such person shall be at liberty at or before the end of his term to remove the buildings and materials erected and placed by him thereon taking care to leave the same in as good order and condition as the same was when it came into his possession, wear and tear, and accidents by the elements excepted; provided that the lands, tenements, or real estate so sold, may be redeemed by the owner, occupant, mortgagee, or person 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, for assessments, by paying to the treasurer of the city, for the use of said purchaser, said purchase money, together with any other sum paid for tax or assessment 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 ten per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; *provided, nevertheless*, that no mortgagee shall be deprived of his right of redemption unless personal notice of such purchase

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shall have been served upon him at least sixty days before the expiration of the time of redemption.

Assessments to be a lien.

29. *And be it enacted*, That the amount of any assessment shall be and remain as a lien on the lot or lots assessed, from the time of the completion and return of such assessment, in manner aforesaid, until the same shall be paid and satisfied; and that it shall be lawful for the said city council, instead of the remedies herein above provided, if they shall see fit, in case of refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment, from the person or persons who, under the provision of this act, ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, 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 for such person or persons, or his, her or their legal representatives; and the said assessment shall be conclusive evidence for the plaintiffs in every such action.

City council authorized to make surveys.

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

Expenses for grading, &c., how paid.

31. *And be it enacted*, That all expenses for improvements in grading, guttering, bridging, and paving streets, 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 building wells, pumps, cisterns, drains and sewers, or for damages done to any building by such grading, shall be assessed upon, and paid by the lands and real estate, benefited by the same, in proportion to the benefit received; all propositions for such improvements, shall be advertised by the council in one of the city papers, or set up in five public places, in said city, 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 council, or their appropriate committee; and the expenses of such improvements when completed, and damages if any shall be ascertained and assessed by three impartial commissioners not interested therein qualified before any justice of the peace of the city, who shall be appointed by the council, from the freeholders resident in the city; which commissioners shall examine into the whole matter, and shall determine and report in writing to the council, what real estate ought to be assessed for such improvements, and damages allowed, if any, and what proportion of such expenses shall be assessed to each separate parcel, or lot of land; provided that said commissioners, in making such assessment, shall take into consideration the expense heretofore incurred by the owner or owners of any lot or parcel of land which may have been improved under any ordinance of the said city of Perth Amboy, since the year 1852, 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, and be by him recorded on the assessment book; whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city, or to be set up in five public places in said city, for at least twenty days a notice of the filing of said report, and that the council will meet at a time and place to be specified in said notice, to consider said assessment, and receive and

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consider all objections thereto which may be presented in writing, and if the council shall confirm said assessment, it shall constitute a lien on the property assessed, for the amount of such assessment; all assessments and liens upon property by virtue of this section, shall be collected in the same manner as provided for the collection of assessments in sec. 27 of this act, for the laying out and opening of streets; and the city council shall or may have power to borrow money in anticipation of the assessments for any improvement ordered to be done according to the provisions of this section; *provided* the amount shall not exceed two-thirds of the estimated cost of the contemplated improvements; *provided also*, that the city council shall be obliged on application of any property owner to the street commissioner before contracts are advertised to put out the work to be done, in front of his particular property in a separate parcel or contract; *and provided further*, that when the grade of any street shall have been established, by ordinance, and the work completed, it shall not be altered without application to the city council of two-thirds of the property owners on the street so proposed to be altered.

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Contracts for work to be done to be advertised.

32. *And be it enacted*, That all work and materials for improvements exceeding in cost one hundred dollars, shall be done or furnished by contract, and all contracts for doing work or furnishing materials for the improvements provided for in this act, shall be advertised for twenty days previous, in a city paper, or by notices put up in five public places in said city, and shall at all times be given to the lowest bidder, who will comply with all the requirements of the council, and will give ample freehold security for doing said work and furnishing said materials according to contract, and all bids shall be opened in public, and at a time previously noticed in the advertisement above mentioned, and no bid shall be received or considered unless the same shall be sealed, and no member of the city council shall be directly or indirectly interested in any contract as

principal, surety, or otherwise, the expense or consideration of which is to be paid from the city treasury.

Salaries of officers not to be increased or diminished during his term.

33. *And be it enacted*, That the salary of no public officer shall be increased or diminished during his official term. That no member of the city council shall during the period for which he was elected be appointed to or be competent to hold any office the salary or emoluments of which are paid from the city treasury; and that the council shall receive no remuneration unless a specific appropriation be made at the annual city or town meeting for that purpose and then for no more than one meeting in each month.

Council may borrow money.

34. *And be it enacted*, That it shall be lawful for the city council to borrow money from time to time, provided the said city council shall cause the clerk to give notice at least ten days before the charter election, what amount, for what purpose, and for what time they purpose to borrow any sum, and a separate ballot shall be used at the succeeding election, on which shall be written or printed "Loan," or "No Loan;" and if a majority of such ballots, when counted, shall have written or printed on them the word "Loan," then the city council shall be so empowered to borrow such amount in addition to the general appropriation: and it may be lawful for the city council to secure the payment thereof, by the issue of bonds or other instrument, under the common seal and signature of the mayor, and to provide by tax for the payment thereof: said bonds not to be disposed of at less than par; *and provided*, there shall not be a greater sum than five thousand dollars raised by loan in any one year, and the city shall not owe more than five thousand dollars at any one time; *provided always*, that for any amount of indebtedness exceeding that voted by the inhabitants at their annual charter election immediately preceding, the city council, under whose authority the said excess of indebtedness shall have accrued (except such temporary loans as are authorized by this act in anticipation of taxes or assessments for improvements) shall be individually and collectively responsible except those who may enter their protest, upon the record

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of their proceedings against such excess or increase of indebtedness.

Money may be raised by tax.

35. *And be it enacted*, That it shall and may be lawful for the city council at any time before the twentieth day of August in each year, to cause to be raised by tax in addition to the amount appropriated at the annual city or town meeting, such sum or sums of money as may be necessary for carrying into effect the ordinances and by-laws from time to time enacted by them, and for defraying any other expenses of said city, not to exceed the sum of five hundred dollars in any one year; *provided*, that the sum total of the amount so raised in addition to the taxes levied by the annual city or town meeting shall not exceed the limit of one per cent. as set forth in section 10th of this act.

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Assessments to be made.

The city assessor shall assess the several sums so ordered to be raised, in the same manner as ordered in section 9th of this act. And it shall and may be lawful for the city council to borrow money in the name of the city on note or other security, in anticipation of the payment of taxes levied at the preceding city or town meeting; *provided*, that the sum so borrowed shall not amount in all to more than one-half of the taxes levied by the annual city or town meeting; nor be made payable at any period later than thirty days after the time fixed by law for the collection of said taxes.

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Inhabitants not incompetent as witnesses.

36. *And be it enacted*, That upon the trial of any issue or upon judicial investigation of any fact, to which the "inhabitants of the city of Perth Amboy," are a party, or in which they are interested, no person shall be deemed an incompetent judge, witness, or juror by reason of his being an inhabitant, freeholder or freeholder of said city, and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Offenders to be committed to jail of Middlesex county.

37. *And be it enacted*, That until such time as a city prison may be erected, that the jailor of the county of

Middlesex, for the time being shall receive and safely keep all offenders against any by-law or ordinance of the city of Perth Amboy as shall be committed to the jail of said county by any justice of the peace in the city for the time of his, her or their imprisonment as expressed in the warrant of commitment, and all expenses of keeping said offenders, in said jail, shall be borne and paid by the county of Middlesex.

Penalty for not delivering property, &c., to successor in office.

38. *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 application of his successor in office deliver over to him 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 any sum not exceeding five hundred dollars, to be sued for and recovered with costs.

Actions for penalty imposed by ordinance.

39. *And be it enacted*, That all actions to be brought before any justice of the peace of the city for the recovery of any penalty imposed by any ordinance that may be passed by said city council may be prosecuted in the name of the "treasurer of the city of Perth Amboy" without specifying the name of the treasurer of the said city for the time being, and no suit shall abate by reason of any change of the person holding such office.

Duties and liabilities of inhabitants of city.

40. *And be it enacted*, That all the duties and liabilities heretofore imposed on the inhabitants of the several townships of this state, not inconsistent with this act, shall be sustained and performed by the inhabitants of the city of Perth Amboy; and all the rights and privileges heretofore conferred on the inhabitants of the several townships, so far as they are in conformity herewith, shall be held and possessed by the inhabitants of said city. And nothing in this act contained shall be construed to interfere with or impair the vested rights of any person or corporation, except as to property taken for public use upon compensation as provided for herein.

Former acts repealed.

41. *And be it enacted*, That all acts or parts of acts, inconsistent herewith, be, and the same are hereby repealed; this act shall take effect on and after the second Monday in April.

Approved March 8, 1859.

CHAPTER LV.

AN ACT to incorporate the Rahway Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph T. Crowell, Thomas H. Shafer, Joseph S. Smith, Patrick Clark, and Samuel Williams, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors in office, shall and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "The Rahway Water Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders at such times, in such manner, in such instalments, and upon such notice as the directors of said company, by their by-laws or otherwise may direct or appoint; and in case of the failure of any stockholder to

pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholders shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and such shares shall be deemed personal property, and be transferable in such manner as the said company, by their by-laws, may appoint; *provided*, that notice in writing, or by advertisement, shall be given to each of the stockholders of the time when the shares are required to be paid in. Proviso.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, in the city of Rahway, as they, or a majority of them, may think proper, giving notice thereof at least ten days prior to the time for receiving subscriptions, by publishing the same in some newspaper published and circulated in said city; and that the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them as treasurer, to receive the same; and as soon as one hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders, to choose seven directors, a majority of whom shall reside within the limits of the city of Rahway, and shall form a quorum for transacting business, and who shall hold their offices for one year, and until others shall be elected. Commissioners to receive subscriptions.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscription books and moneys paid in, first deducting the expenses of the said commissioners, at such time and place as shall be appointed by the said commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting. Subscription books and money to be delivered to directors.

Election of directors.

5. *And be it enacted*, That the affairs of the company shall be managed by seven directors, to be chosen by the stockholders annually, at such time and place in said city, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall, from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all by-laws, rules, and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

What real estate may be held.

6. *And be it enacted*, That the said company shall have power to purchase, 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, and to construct, keep, and maintain such wells, reservoirs, aqueducts, pipes, water-works, fixtures, and apparatus as may be necessary or useful to supply the city of Rahway with good and wholesome water, in quantities sufficient for all the purposes which may conduce to the safety of said city, and to the health and comfort of the citizens.

Company authorized to make contracts for supply of water.

7. *And be it enacted*, That the said company be and they are hereby authorized and empowered to make contracts with persons and corporations for the supply, use, and preservation of water, and to erect, construct, and maintain all works necessary or convenient to the purposes of this act, and to lay down pipes and other conduits, beneath the streets, alleys, lanes, and other places in the city of Rahway and vicinity, free of all charge, and to place such hydrants and fire plugs as may be necessary, subject to such regulations as the said company may from time to time agree upon and adopt, the tapping of the mains and insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint; *provided*, that the public travel upon the streets, lanes, and alleys shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or

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the erection and construction of fire plugs or hydrants or other necessary or proper work; and after the completion of any work, the streets, side or cross walks shall be left in as good condition as before the commencement of any such work; and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

Penalty for injuring works.

8. *And be it enacted*, That if any person shall wilfully do or cause to be done, any act or acts whatsoever to injure any engines, machine, reservoir, pipe, fire plug, hydrant, or structure whatsoever, or anything appertaining to the works of said company, or whereby the same may be obstructed, stopped, or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit; and the said corporation are hereby authorized to bring an action and recover for damages by a civil suit for any such injury aforesaid, by and in the name of said corporation, in any court in this state having cognizance of the same.

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Proceedings in case company and owners cannot agree.

9. *And be it enacted*, That if it should become necessary, in the opinion of said directors, to lay pipes through any private lands in said city, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as to the amount of compensation to be paid for the laying said pipes through said or the piece of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the judges of the court of common pleas of the county of Middlesex, upon application to him by said directors, and after ten days'

previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term not less than twenty days, in a newspaper published in said city of Rahway, to appoint three disinterested appraisers from the county of Middlesex, to determine the compensation to be paid for the laying of said pipes through said lands or the price to be paid for such lands, as the case may be; and it shall be the duty of said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises), within twenty days after their appointment, to deliver to the said directors a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works as aforesaid, which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Middlesex, or Union, or both, as the case may require; and upon payment or tender by the said directors to such owner or owners, as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said directors shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works, as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of this state, then and in that case it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid, into the court of common pleas of the counties of Middlesex and Union, or either of them, as the case may require, for the use of the party or parties entitled to the same, the costs of all which proceedings shall be taxed by some one of the judges of the court of common pleas of the county of Middlesex, and paid by the said directors.

Parties dissatisfied may appeal.

10. *And be it enacted*, That in case the directors or the owner or owners of the said land shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the judge of the circuit court of the county of Middlesex, or Union, as the case may require, at the next term of said court after filing of the said award, the said court to which application may be made shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and view of the premises to be had; and the said issue to be tried at the next circuit court to be holden in 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 jury to assess the value of said land or damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against 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 directors shall have offered, or the said appraisers awarded, then the said costs to be paid by the 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 directors taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid or upon 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 court as herein before directed.

Company authorized to examine premises in cases of waste, &c.

11. *And be it enacted*, That the directors of said company, and all engineers, superintendents, or inspectors in their service, are hereby authorized and directed, at all seasonable hours, to enter any dwelling or other place where the water of said company is taken or used, and where un-

necessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said directors, engineers, superintendents, and inspectors shall have full power to examine all service pipes, stopcocks, 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 examinations, or oppose or obstruct such officer in performance of such duty, he, she, or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as may be imposed by any magistrate of said city before whom complaint may be made, 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.

Repairs to works.

12. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may be laid through any private lands, it shall be lawful for the said directors, with their workmen and agents, and with necessary vehicles, tools, and implements, to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, that nothing in this section contained shall be so construed as to protect the said company or their workmen or agents from any action that may be brought against them by the owner or owners of said lands for any damage which they may wilfully or wrongfully do.

Proviso.

Penalty for polluting water.

13. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the waters in any reservoir, aqueduct, conduit, or race-way erected, built, or laid down under the provisions of this act, every person so offending shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

14. *And be it enacted*, That every director, president, and treasurer, and all such other officers as the said directors may appoint, shall, before he or they act as such, take an oath or affirmation for the true and faithful execution of his or their office. Officers to take oath.

15. *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 water works; and the said corporation shall cause to be kept at their office proper books of account, in which shall be truly and fairly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders. Dividends.

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 build, construct, lay down, or repair said water works, fixtures, pipes, and apparatus, and furnish said company with all necessary engines and machinery for the uses and objects of the said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said water works, engines, machinery, pipes and fixtures and appurtenances of or belonging to said company, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for 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. Company may borrow money. Proviso.

17. *And be it enacted*, That the rents for the use of the water which said company may supply shall draw interest at the rate of seven per centum per annum from the time they become due. Water rents to draw interest.

18. *And be it enacted*, That the owner and occupier of any house, tenement, or lot shall each be liable for the payment of the price or rent fixed by the directors for the use of the water by such occupier, and such price or rent shall be a lien upon such house, tenement, or lot, and shall Owners and occupants, each liable for rent.

be collected by execution against the owner or occupier of such house, tenement, or lot issued upon judgment obtained for the amount of said price or rent due as aforesaid, in the name of said corporation, in any court of this state having cognizance thereof.

Contractors to give security.

19. *And be it enacted*, That every person who shall enter into any contract with said directors for the supply of materials or the performance of any work or labor in and about the building, erection, or repairing of said water works or any part thereof, or any machinery therefor, shall give satisfactory security for the faithful performance of his contract, according to its terms, and no director shall be interested directly or indirectly in any contract relating to said work.

Materials for work, exempt from execution.

20. *And be it enacted*, That all materials procured, or partially procured, under contract with the directors, shall be exempt from execution, but it shall be the duty of the directors 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.

City may purchase works.

21. *And be it enacted*, That it shall be lawful for the city of Rahway, at any time after the erection and completion of said water works, in its corporate capacity, to purchase from said company said water works, machinery, pipes, and fixtures, and all the appurtenances thereunto belonging, and all the right, title, and interest of said company of, in, and to the same, upon such terms and conditions as to time and payment as may be agreed upon by and between said city and said company, their lawfully authorized agents or attorneys.

Approved March 8, 1859.

CHAPTER LVI.

A SUPPLEMENT to the charter of Trenton Monument Association, approved March eighth, eighteen hundred and forty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the said incorporation shall be changed to and hereafter known as the "New Jersey Monument Association," and that A. O. Zabriskie and Edwin A. Stevens, of Hudson county; John P. Jackson and Archer Gifford, of Essex county; Benjamin Williamson and John J. Chetwood, of Union county; John Huyler and David Terhune, of Bergen county; Benjamin Buckley and Samuel Pope, of Passaic county; Henry A. Ford and Edward W. Whelpley, of Morris county; Daniel Haines and David Ryerson, of Sussex county; Caleb H. Valentine and Wm. P. Robeson, of Warren county; Alexander Wurts and John Runk, of Hunterdon county; George H. Brown and Wm. G. Steele, of Somerset county; Theodore Frelinghuysen and Littleton Kirkpatrick, of Middlesex county; Wm. A. Newell and Wm. H. Hendrickson, of Monmouth county; James W. Wall and John L. N. Stratton, of Burlington county; George F. Fort and Joel Haywood, of Ocean county; David B. Somers and George S. Woodhull, of Atlantic county; Abraham Browning and Albert W. Markley, of Camden county; T. Jones Yorke and Joseph S. Risley, of Salem county; Joseph Franklin and John R. Sickler, of Gloucester county; John T. Nixon and John L. Sharp, of Cumberland county; Downs Edmunds and Samuel S. Marcy, of Cape May county; and Richard S. Feld, Charles Chauncey Haven, Jacob R. Freese, Thomas S. Allison, Rodman M. Price, Joseph F. Randolph, William L. Dayton, Philemon Dickinson, Edward W. Scudder, Jas. B. Coleman, Thomas J. Stryker, Robert F. Stockton, Jr., and James S. Green, of Mercer county, be added to the surviving corporators named in said act, and that C. Names of corporators.

C. Haven, J. R. Freese, and E. W. Scudder may call the first meeting of said association.

Objects of incorporation.

2. *And be it enacted*, That the object of this incorporation shall be the construction of a monument at Trenton, to commemorate the battles in New Jersey fought by the revolutionary army; and for that purpose that the corporation hereby authorized have all the powers set forth in the original bill, and also to receive from the treasurer under the original act all funds now in his hands, and appropriate them for the object named in this supplement.

Public act.

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

Approved March 8, 1859.

CHAPTER LVII.

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

Officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Pittsgrove, in the county of Salem, authorized by law to vote at their town meeting, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers until otherwise required by law, whose qualifications shall be the same as are now or hereafter may be fixed by law, that is in said

township: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or more overseers of the poor, as many overseers of the roads as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more pound keepers, and all such other officers as the inhabitants of the said township now are or hereafter may be authorized to elect; and also upon the same ballot designate the place for holding the next town meeting.

Officers of election.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace, in the said township of Pittsgrove, shall be and are hereby authorized and required to receive and canvass, at the same time and in the same manner, the votes for the several township officers as aforesaid; and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided, however*, that when no justice or justices of the peace are to be elected, it shall be lawful for the officers aforesaid to open the polls at nine o'clock A. M. and close the same at three o'clock P. M. the same day.

Proviso.

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

Approved March 8, 1859.

CHAPTER LVIII.

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

Election of overseers of the highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseer of the highways of the several road districts in the township of Wantage, in the county of Sussex, shall be elected by the legal voters of the several districts, as the same may be arranged from time to time by the township committee in said township, and for the purpose of carrying this provision into effect; it shall be the duty of the township committee of the said township, to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meeting in said township, and shall cause notice thereof to be posted up in some conspicuous place in such districts respectively, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township, residing in such road district shall assemble for the purpose of such election, and when so assembled, the said voters having been called to order by any one of their number, shall proceed by the holding up of hands to elect a moderator of such meeting by a plurality of votes, and being thus organized, the meeting shall proceed in the same manner, by the holding up of hands, to elect an overseer of the highway for such road district, and the moderator of such first meeting shall, at the first annual town meeting next after the said election, notify in writing the township committee of the said township of the said

election, and of the name of the person so elected overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of his appointment, the said township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highways, so elected or appointed, to the clerk of the township, and he shall publish the same with the names of the officers and the proceedings of the said first town meeting held after such election.

Notice to be given of district road meetings.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of said road districts respectively, upon notice to be posted up in some conspicuous place in such road district, at least ten days before the time of holding such meeting, and all such subsequent district road meetings shall be held on Saturday next preceding the annual town meeting in said township, and should the overseer of any district fail to call such meeting, or should the individual elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid by the clerk of said township, upon their receiving from the moderators of such subsequent meetings respectively the names of the persons so elected thereat, and which said moderators are hereby required to notify in writing, said township committee, of the names of the persons so elected at the said annual town meeting next after such election.

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

Approved March 8, 1859.

CHAPTER LIX.

A SUPPLEMENT to the act entitled "An act to incorporate the Hopewell and Ewing Turnpike Company," approved March seventeenth, eighteen hundred and fifty-four.

Company authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hopewell and Ewing Turnpike Company be, and they are hereby authorized to extend their road from their present terminus at the corporation line of the city of Trenton, southerly to the junction of the Pennington road with Warren street; *provided*, that this act shall not take effect, until an ordinance is passed by the common council of the city of Trenton, assenting to such extension, and said ordinance filed in the office of the secretary of this state.

Proviso.

Approved March 8, 1859.

CHAPTER LX.

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

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, and it is hereby enacted by the

authority of the same, that Charles Sharp, Asia Haley, Nathan Baner, Joseph Woodruff, Hezekiah Godfrey, Nathaniel Stratton, Ferdinan F. Sharp, Henry Lawrence, Furman L. Mulford, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of the Millville Mutual Marine and Fire Insurance Company, for the purpose of insuring their respective vessels, buildings, household furniture, 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 have power to sue and be sued and to defend and be defended in all courts whether in law or equity, and by that name may also have, purchase, possess, and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels, and effects of what nature and kind soever necessary for the purpose of said corporation, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company, and may also have a common seal and alter and renew the same at pleasure, also may make and establish such by-laws and regulations, as to them shall seem necessary and expedient for the well ordering and government of the said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States. Proviso.

2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in the same as hereinafter provided for shall thereby become members thereof during the period they remain insured by said corporation and no longer. Persons insuring to be members.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by nine directors, who shall continue in office one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the re- Affairs of corporation to be managed by nine directors.

mainder 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.

First directors.

4. *And be it enacted*, That William Moore, Isaac B. Mulford, Nathaniel Stratton, Hezekiah W. Godfrey, Charles Sharp, Leaman Blew, Joseph Woodruff, Ferdinan F. Sharp, Henry Lawrence, and Furman L. Mulford, 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 town of Millville, county of Cumberland, and state of New Jersey, as the said corporation in their by-laws shall appoint: of each election due notice shall be given in at least one of the public newspapers printed in said county for two weeks immediately preceding such election, and it shall be the duty of the board of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors or a majority of them to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

Annual election of directors.

Directors to appoint 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 or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

Payment of insurance money.

7. *And be it enacted*, That every person who shall become insured in said company shall before he receives his or her policy, pay such sum of money and deposit their promissory note or notes for such sum or sums of money as shall be determined upon by the directors, such note or notes to be paid at such time and in such a manner as the by-laws may determine, and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof, not immediately wanted for the purposes of said corporation on bonds and mortgage, on real estate, government or other stocks, and may from time to time call in such money or change such investments.

Policy may be surrendered when property is alienated.

8. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his note or notes upon the payment of his proportion of all losses, risks and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit upon application to the directors and with their consent within thirty days next after such alienation on giving proper security to the satisfaction of said directors, and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges and be subject to all liabilities to which the original party to whom the policy insured was entitled and subjected.

Company to have lien on property insured.

9. *And be it enacted*, That all vessels or cargoes insured by said company are hereby pledged to said company, and the said company shall have a lien thereon in the nature of a bottomry and respondentia, and all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company, and the said company shall have a lien thereon in the nature of a mortgage to the amount of the deposit note or notes given for such insurance.

Annual estimate to be made.

10. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued or within one month thereafter, and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses and true state of the affairs of said company to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits as hereinafter provided for.

Members entitled to certificate of their proportion of profits.

11. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business in proportion to the amount of premiums paid by him, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor no certificate shall be issued for the fractional parts of sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of sums or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Excess may be applied to payment of certificates.

12. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per cent. of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Suits may be maintained against

13. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its mem-

bers 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. members for deposit notes.

14. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured. Especial insurances.

15. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of fifty thousand dollars at least. When policies may be issued.

16. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in Millville, in the county of Cumberland, as shall be designated by a majority of the directors, at their first regular meeting in every year. Place of business.

17. *And be it enacted*, That this act shall continue in force forty years, subject to be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it. Limitation.

Approved March 8, 1859.

CHAPTER LXI.

AN ACT to amend an act entitled "An act to establish the city of Elizabeth."

Twenty-ninth sec. of act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "as they are by section twenty-five of this act," in section twenty-nine of the act entitled "An act to establish the city of Elizabeth," be and the same are hereby amended so as to read "as they are by section twenty-six of this act," and by the act entitled "An act to make taxes a lien on real estate in the township of Elizabeth in the county of Essex, and to authorize the sale of the same for the payment of the same."

Offices of sheriff, clerk, and collector abolished.

2. *And be it enacted*, That so much of the act entitled "An act to establish the city of Elizabeth" as provides for and directs the election of a sheriff, a clerk of the court of general sessions and a collector of arrears of taxes, be and the same is hereby repealed, and the said offices be and they are hereby abolished.

Fourth sec. of act amended.

3. *And be it enacted*, That the words "as many constables as the court above mentioned shall designate," in section four of the said act, be and they are hereby amended so as to read "as many constables as the city council shall designate."

Oath or affirmation.

4. *And be it enacted*, That the oath or affirmation required by the thirty-seventh section of the said act, shall be filed in the office of the city clerk within twenty days after the said election.

Proceedings in case of non-payment of taxes.

5. *And be it enacted*, That the collectors of the respective wards of the said city, in case of the non-payment of taxes at the time appointed by law for the payment of the same, shall make out a list of the names of the delinquents in their ward, with the sums due from them respectively thereto annexed, and deliver the same to a justice of the

peace of the county, on or by the twenty-fifth day of October in every year, from which date they shall be chargeable with interest at the rate of twelve per cent. per annum; and the said justice of the peace having first administered the oath or affirmation, as provided by law in the case of taxes in townships, shall issue thereon a warrant which shall be directed to the collector of the ward, requiring him to levy the tax so in arrear, with interest and costs, by distress and sale of the goods and chattels of the delinquent, giving at least four days' notice of the time and place of such sale by advertisements set up in three of the most public places in the ward; and in case the said collector cannot find sufficient goods and chattels of said persons whereof the tax or taxes due from them respectively, with all the costs, interest and fees can be made, and in case there are no lands and real estate of said persons within the said city whereof to make the same, then the said warrant shall further direct that the said collector shall take such further proceedings to be set forth in said warrant as are mentioned in the eighteenth section of the act entitled "An act concerning taxes," and make return thereof in sixty days, which warrant the said justice before delivering thereof to said collector shall record in his docket.

Collector to pay over moneys.

6. *And be it enacted*, That it shall be the duty of the said collector to pay over from time to time and at least once in each week, without delay, all moneys received by him to the treasurer of the city; and within sixty days from the date of any warrant directed and delivered to him as fully as practicable, to execute the same and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon; and at the same time to make a full return and statement to the city council, setting forth the amount of money received by him thereon; and each of the said collectors shall be liable to the city council for the amount of taxes stated in any such warrant directed and delivered to him respectively, with interest, or for any such part thereof as shall not have been

paid to the treasurer of the city on or before sixty days next after receiving any such warrant aforesaid, unless the deficiency happen without any fraud, neglect or default on his part, to be recovered with interest and costs, in an action on the case for so much money had and received by said collector for use of said city council of the city of Elizabeth.

Fees of justice.

7. *And be it enacted*, That the said justice of the peace shall be entitled to such fees, and liable to such penalties for refusal or neglect to perform such service as he is entitled and liable to by the provisions of the act concerning taxes.

Sec. 25 and 27 repealed.

8. *And be it enacted*, That sections twenty-five and twenty-seven of the act entitled "An act to establish the city of Elizabeth," be and the same are hereby repealed.

Ordinances of city.

9. *And be it enacted*, That all ordinances passed by the city council of the city of Elizabeth shall be entitled: "Be it ordained by the mayor and city council of the city of Elizabeth."

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

Approved March 8, 1859.

CHAPTER LXII.

AN ACT to authorize the inhabitants of the township of Lower Penn's Neck, in the county of Salem, to vote by ballot at their town meetings.

Officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Lower Penn's Neck, in the county of Salem, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or hereafter may be fixed by law, that is, in the said township, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more pound keepers, and all such other officers as the inhabitants of the said township now are, or hereafter may be authorized to elect, and also upon the same ballot designate the place for holding the next town meeting.

Officers of election.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace, in the said township of Lower Penn's Neck, shall be and are hereby authorized and required to receive and canvass at the same time and in the same manner, the votes for the several township officers as aforesaid, and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided however*, that, when no justice or justices of the peace are to be elected, it shall be lawful for the officers aforesaid to open the polls at nine

Proviso.

o'clock A. M., and close the same at three o'clock P. M, the same day.

Election of overseers of the highways.

3. *And be it enacted*, That the overseers of the highways of the several road districts in the said townships shall be elected by the legal voters of the several road districts as they may be arranged from time to time by the township committees, and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice of the time and place of holding the first district road meeting under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district when and where the legal voters in the township residing in such district shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voters of the district, shall proceed, viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes, and being so organized, the meeting shall proceed as in the election of moderator to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee in writing of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy.

Notice to be given of district road meetings.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district at least ten days from the time of holding such meeting, and all subsequent district road meetings shall be held on the Saturday preceding the annual town meeting, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of a vacancy

arising from any other cause, the township committee shall fill such vacancy.

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

Approved March 8, 1859.

CHAPTER LXIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Sussex and Warren Railroad Company," approved February twenty-first, A. D. eighteen hundred and fifty-one.

Company authorized to connect with other roads.

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 Sussex and Warren Railroad Company to construct their road to connect within either of the counties of Sussex or Warren, with any railroad in said counties; and the time for the completion of said road shall be computed from the commencement to construct the same, made January tenth, eighteen hundred and fifty-five, and shall be limited to ten years from said date.

Directors to receive subscriptions to capital stock.

2. *And be it enacted*, That the directors, or any of them, chosen by the stockholders of the said railroad company, are authorized and empowered to receive, from time to time, further subscriptions to the capital stock of said corporation, until the whole amount of the capital stock be subscribed.

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

Approved March 8, 1859.

CHAPTER LXIV.

AN ACT to incorporate the Millville and Winslow Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, Richard D. Wood, R. D. Greene, Nathaniel Stratton, Ferdinand F. Sharp, George B. Cake, John McNeal, William D. Kemble, Andrew K. Hay, George B. Cooper, John W. Cain, William G. Leake, Furman L. Mulford, Henry W. Lawrence, Francis Lee, Isaac Sharpless, Osborn Down, John L. Sharp, Samuel H. Sharp, Joseph Butcher, Aaron Westcott, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in

Style of incorporation.

name, by the name of "The Millville and Winslow 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 the corporation hereby created.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be two hundred thousand dollars, with liberty to increase the same to any sum not exceeding

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.

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 said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, a majority of whom 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 proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be 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 pre-

Election of directors.

sident, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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

Duties and powers of directors.

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

Company authorized to construct 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 Millville, in the county of Cumberland, in this state, to some point on the line of the Camden and Atlantic railroad, at or near Winslow, in the county of Camden; *provided always*, that it shall and may be lawful for the said company to make or construct the said railroad from and to the places aforesaid not exceeding one hundred feet in width, except in such places where from the depth of the excava-

Proviso.

tion 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 lands 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, levelling, or laying out the said 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 determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall and may be lawful for the said company, by 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 said road, subject to such compensation as 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, 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 roads, unless the consent of the owner or owners of such land be first had and obtained. Proviso.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required 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 Proceedings when company and owners cannot agree.

of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad 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 and 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 lands or materials may lie. Proviso.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice, in writing, of such appeal, shall be given to the opposite party within ten days after the filing thereof; which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue Proceedings on appeal from decision of commissioners.

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 said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered and the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing the 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 this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie,

Proviso.

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.

Company to construct and keep in repair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses, and cattle along the said road shall not be obstructed, and likewise when the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said road.

What real estate may be held.

10. *And be it enacted*, That the said company may purchase, have, and hold real estate at the commencement and termini of their said railroad, and upon any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the 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 over such rivers, creeks, or streams as the said road may cross, such piers, bridges, and other facilities as they may think necessary for the full enjoyment of all the benefits conferred by this act; *provided*, 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 obstruct the navigation thereof.

Proviso.

Dividends.

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

Company may construct machines, engines, &c.

12. *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 other vehicles for the transportation of persons or any species of property on the railroad as they may think fit, reasonable, expedient, or right.

Contracts may be made with other corporations.

13. *And be it enacted*, That it shall and may 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 connecting with any other railroad in this state and passing over the same, and for transporting or conveying any kind of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of said railroad, or of any of the necessary works, wharves, bridges, carriages, or machines appertaining thereto, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars for every such offence, to be by them recovered in any court having competent jurisdiction, in an action of debt, or other proper form of action; and further shall be liable for all damages which said company may sustain thereby.

When company may commence running cars.

15. *And be it enacted*, That when any ten 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.

Amount of state tax to be paid.

16. *And be it enacted*, That as soon as the said railroad shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of

the proceeds of said road, and when the net income of said road shall amount to seven per centum upon the amount of its cost, the said corporation shall pay to the treasurer of this state a tax of one-half one per centum on the cost of said road, to be paid annually thereafter, on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Proviso.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises, and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. Corporation may borrow money. Proviso.

18. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after notice of the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said State may take road on payment of appraisement.

company; or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company the said chief justice shall appoint such seventh man as aforesaid to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years, of taking the said road, with its appendages, upon the payment to the company of the amount of said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and it shall be the duty of the president of the said company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company or advance of stock; and the said valuation shall in no case exceed the first cost or valuation of said road.

Proviso.

Commencement and completion of road.

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

Certain officers to pass free.

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

Approved March 8, 1859.

CHAPTER LXV.

A SUPPLEMENT to the act entitled "An act to incorporate the New Jersey Exploring and Mining Company," approved February fifteenth, eighteen hundred and forty-nine, and to the act supplement to said act, approved February twelfth, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the New Jersey Zinc Company shall be divided into twelve thousand shares of one hundred dollars each, instead of ninety-six thousand shares of twelve and a half dollars each. Amount and price of shares changed.

2. *And be it enacted*, That the said New Jersey Zinc Company shall, on the surrender to said company by the stockholders thereof, of the certificates of stock now issued, give to each stockholder a certificate for one share of the value of one hundred dollars, for every certificate of eight shares, so to be surrendered to said company. New certificate to be issued.

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

Approved March 8, 1859.

CHAPTER LXVI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Newark and Bloomfield Railroad Company," approved March twenty-sixth, eighteen hundred and fifty-two.

Time for completion of road extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period limited by the act to which this is a supplement, for the commencement and completion of the road authorized by said act and the supplements thereto, shall be computed from the passage of this supplemental act.

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

Approved March 8, 1859.

CHAPTER LXVII.

AN ACT to incorporate the Passaic Bridge 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 the subscription books of the capital stock of the Passaic Bridge Company, shall be opened by Robert Rennie, Daniel Romaine, John Banter, William L. Andruss, I. I. E. Vreeland, Benjamin N. Cleve-

land, Andrew C. Cadmus, and Christian C. Zabriskie, 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 newspaper published in the county of Passaic.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred or more 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 style of "The Passaic Bridge 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 object of this act into effect.

Payment of instalments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar 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 instalments, at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof in the manner aforesaid; and upon failure of the payment thereof as so directed, the president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company.

Charter void if stock is not subscribed for in certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within three years from the time of opening the said subscription book, 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 by them.

Election of directors.

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

Duties and powers 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 the said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and 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 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.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation,

removal or refusal to act of any president or director, and may appoint a treasurer and all officers, agents, superintendents, and other servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective 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.

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.

Annual statement to be made.

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.

Special meetings.

10. *And be it enacted*, That if from any cause an 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

Act not void for failure to elect on day prescribed.

New Jersey State Library

that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

Company authorized to build bridge.

11. *And be it enacted*, That it shall be lawful and the duty of the said company to build a bridge over and across Passaic river, at some point between Zabriskie's landing and the Dundee dam; the said bridge to be at least sixteen feet in width, except the draw, which may be twelve feet, with good and sufficient side rails for the safety of travellers; and if built below the head of navigation, to construct a convenient draw or swing therein, of at least thirty feet opening, to be placed in the most convenient place for the navigation of said river.

Company to keep bridge in repair.

12. *And be it enacted*, That the said company shall at all times, after building the said bridge, support, uphold and maintain the same, and at all times keep it in good repair, and safe for those who may have occasion to pass over said bridge with their horses and carriages or otherwise, and may, if the said bridge should be carried away by any cause, rebuild the same; and in case the said company shall neglect or refuse to keep the bridge in good repair, the freeholders of the counties of Passaic and Bergen may at their discretion take possession of said bridge, and the said company shall forever thereafter be debarred from taking any tolls from any person or persons who shall pass over said bridge.

Rate of toll.

13. *And be it enacted*, That it shall be lawful for the said company at all times to take, demand and receive of and from every person or persons, who shall pass over the said bridge, when they shall enter upon the same, the following rates of toll, and no more, that is to say:—

For every person on foot, one cent.

For every person on horse or mule, three cents.

For all wagons, carts, sleighs, or sleds drawn by one horse, mule or ox, each four cents.

For all one-horse pleasure carriages, each six cents.

For all two-horse pleasure carriages or stages, each ten cents.

For all two-horse mule or ox wagons, carts, sleighs or sleds, eight cents.

For all four-horse mule or ox carriages of every kind, ten cents.

For all horned cattle or horses, two cents.

For all hogs, calves and sheep, one cent.

And all other articles and things not herein enumerated to be in equitable proportion; *provided always*, that said directors have power to reduce said rates.

Persons, &c., may be stopped until toll is paid.

14. *And be it enacted*, That it shall be lawful for any toll gatherer having charge of said bridge, to stop any person on foot, every person, horse or mule, with or without wagons, carts, sleighs or sleds, all pleasure wagons, and all horned cattle, horses, hogs, calves and sheep, from passing over said bridge, until the toll, as above specified, shall have been paid; *provided*, that the provisions of this and the next preceding section of this act shall not apply to or be enforced against any person or persons who may wish to pass over said bridge upon occasion of, and in attendance upon, any funeral procession, or in returning therefrom, or who may upon the first day of the week, commonly called Sunday, desire to pass the same in going to or returning from divine service at the place or places at which they usually attend the same.

Proviso.

Penalty for injuring bridge.

15. *And be it enacted*, That if any person or persons having the command of any vessel, shall, by their neglect, do any damage to said bridge or draw, or keep it open more than fifteen minutes, when the same is not absolutely necessary for the passage of some masted vessel or boat, shall forfeit and pay the sum of twenty-five dollars, and also be liable for all damage that may be done to said bridge or draw, to be recovered in an action of debt before any court having competent jurisdiction, with costs of suit.

General powers.

16. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the acts

supplementary thereto and amendatory thereof, so far as the same are applicable.

Company may construct roads.

17. *And be it enacted*, That the said company, after having purchased the right of way, may construct roads on either side of said river, from the said bridge to the public roads, and put and keep the said roads in good condition and repair, in order to maintain a good and safe way for the passage of public travel.

Approved March 8, 1859.

CHAPTER LXVIII.

AN ACT to establish the office of Register of Deeds and Mortgages of the County of Essex.

Register of deeds to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be a register of deeds and mortgages in and for the county of Essex, who shall be elected by the people of the county, and shall hold his office for five years; he shall be commissioned by the governor of this state, and his commission shall be issued, and bear date on the Tuesday next after the annual election at which he may be elected.

Time of election.

2. *And be it enacted*, That the first election for such register of deeds and mortgages, shall be held at the next annual election for members of the general assembly; and the same notice of such election shall be given as is now by

law required to be given of the election of the clerk of the county, and from time to time thereafter, shall be elected in the same manner as the clerk of said county, is by law now elected.

Duties of register.

3. *And be it enacted*, That it shall be the duty of the said register of deeds and mortgages to record all deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and all instruments of writing relating to the title to real estate, which now are or may hereafter by law to be recorded; and to do and perform all the duties now by law required of the clerk of the court of common pleas of the county, pertaining to the recording, registering, and indexing of all such deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and instruments of writing, relating to the title to real estate, in and for the county of Essex.

To take oath and give bond.

4. *And be it enacted*, That the said register of deeds and mortgages, shall take and subscribe the same oaths, give the same bonds, enjoy the same rights and privileges, receive the same fees, and be subject to the same penalties, as now are provided by law in the case of the clerk of the court of common pleas of the county, with reference to the discharge of the duties herein devolved upon the said register of deeds and mortgages.

Laws applicable to office.

5. *And be it enacted*, That all the laws of this state now in force in the case of the clerk of the common pleas of the county of Essex, shall apply to the said register of deeds and mortgages, so far forth as the same may be applicable to the business and duties of his said office of register of deeds and mortgages; and the record, and transcripts therefrom, shall have the same force and effect as they now have when made by the clerk of the court of common pleas of the county.

Records, &c., to be delivered to register.

6. *And be it enacted*, That all the records of deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and other instruments of writing relating to the title to real estate, books, papers, indexes, and other things, pertaining to the business and duties herein de-

volved upon the said register of deeds and mortgages, which may be in the custody of the clerk of the court of common pleas of the county of Essex, at the close of his present term of office, shall be by him at that time placed in the custody of the said register of deeds and mortgages, who shall sign a receipt therefor according to law.

Freeholders to provide office.

7. *And be it enacted*, That it shall be the duty of the board of chosen freeholders of the county of Essex, without unnecessary delay, to provide a fit, and suitable fire-proof place, separate and distinct from the office of the clerk of the court of common pleas of the county, in which the said register of deeds and mortgages may keep the records and papers of his office, and to furnish the same with proper book-cases and furniture.

Books, &c., to be furnished by county.

8. *And be it enacted*, That all the necessary books and stationery for the business of said office shall be furnished by the county, and shall be the property of the county; and be public records, to which all persons shall have access at all reasonable hours.

Vacancies.

9. *And be it enacted*, That in case a vacancy shall occur in said office, it shall be filled in the same manner, as is now provided for by law in the case of the clerk of the county.

Approved March 8, 1859.

CHAPTER LXIX.

AN ACT to confirm the Last Will and Testament of Archibald Sayre, late of the county of Morris, deceased.

Preamble. WHEREAS, Archibald Sayre, late of Madison, in the county of Morris, in this state, did in his lifetime make, execute and publish his last will and testament, in writing, under his hand and seal, bearing date on the eleventh day of January, eighteen hundred and forty-one; AND WHEREAS, the said will was published and declared by the said Archibald Sayre to be his last will and testament, on the day of the date thereof, in the presence of three subscribing witnesses, one of whom only actually saw the testator sign his name to the said will; AND WHEREAS, the said Archibald Sayre in and by said will, gave, devised, ordered to be sold and disposed of his lands and real estate, and in the year aforesaid died seized of the said lands and real estate, without having revoked or altered the said will; AND WHEREAS, the children, devisees and heirs-at-law of the said Archibald Sayre, deceased, and those claiming under them, desire that the said will shall be confirmed, and it appearing that the intentions of the testator will be effected by confirming said will—therefore,

Will confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of the said Archibald Sayre, deceased, bearing date the eleventh day of January, eighteen hundred and forty-one, be and the same is hereby in all things confirmed; and that the said will and all the grants, devises, directions and orders therein contained, be as valid and effectual in law, and have the same force and effect, as though the said will had been duly signed and published by the testator in presence of three subscribing witnesses, as required by law, at the date of said will, for the passing of real estate.

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

Approved March 8, 1859.

CHAPTER LXX.

AN ACT to prevent fishing with nets, &c., in "Ryerson's Pond," in the township of Pompton, in the county of Passaic.

Nets, &c., not to be used in pond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, after the passage of this act, it shall not be lawful for any person or persons to set or haul any seine, basket, net or fike, within the limits of the pond known as "Ryerson's Pond," situated in the township of Pompton, being partly in the county of Passaic and partly in the county of Bergen.

Penalty for violation of act.

2. *And be it enacted*, That any person or persons violating this act shall forfeit the sum of twenty-five dollars and costs for each offence, to be collected in an action of debt before any justice of the peace in the county of Passaic, half of the fine to go to the complainant and half to the township of Pompton.

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

Approved March 8, 1859.

CHAPTER LXXI.

AN ACT to incorporate the Trenton China Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Stevens, Joseph Whittaker, George James, Jesse M. Clark, and Albert J. Whittaker, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Trenton China Company," and by that name the said company shall have power to purchase and hold such real estate as may be necessary or proper, at or near the city of Trenton, not exceeding in all ten acres of land, and to erect and construct thereon such buildings and machinery for manufacturing and selling and to manufacture and sell porcelain, china, chemicals, drugs, and other articles of which clay, sand and other earthy substances form the basis or principal ingredients, and shall have all such other powers as are necessary or proper to carry into effect the objects of this act, and such other incidental powers as are enumerated in the first section of the act concerning corporations. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such instalment or instalments, and upon such notice, as the said corporation may by by-laws or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments at the time and place mentioned and appointed for the payment thereof, such stockholders shall incur a forfeiture of his or her share or shares and all payments thereon, to use of said corporation; *provided*, said company shall not commence business until the sum of ten thousand dollars is actually paid in. Amount of capital stock. Proviso.

Stock transferable.

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

First directors.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn; and that said Isaac Stephens, George James, Joseph Whittaker, Jesse M. Clark, and Albert J. Whittaker shall be and hereby are appointed the first board of directors, to serve until the first Monday in May next, or until others shall be elected in their stead; and the said directors, or a majority of them, shall, as soon as conveniently may be hereafter, appoint one of their number to be president of said corporation until the said first Monday in May next, or until another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors by death or otherwise, the board may, at their next or any subsequent stated meeting, fill such vacancy until the then next annual meeting of directors; and no person shall be a director but a stockholder.

Annual election of directors.

5. *And be it enacted*, That an annual election of directors shall be held at the city of Trenton, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place, and upon such notice as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections, but if it should happen that an election of directors should not be had on the said first Monday in May next, or at the time appointed for the holding of any subsequent annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at

such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors as soon as conveniently may be after their election, shall appoint from their number, a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, but in case of his absence, any other of the directors present, may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places, as the by-laws may ordain, and special meetings may be held by appointment of the board, or upon the call of the president.

Dividends.

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

Limitation.

7. *And be it enacted*, That this corporation shall be limited to twenty years, and that the legislature may alter, amend or repeal this act whenever the public good may require it.

Approved March 8, 1859.

CHAPTER LXXII.

AN ACT respecting Public Schools, in the township of Deerfield, in the county of Cumberland.

Boundaries of school district changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the "Bebee Run School District No. 7," in the townships of Hopewell and Deerfield, be changed, and that it shall be the duty of the town superintendent of public schools, in the township of Deerfield, out of that portion of said district lying east of Cohancey creek, to set off one school district in the said township, with the following boundaries, viz: Beginning at the mouth of Stone Bridge run; thence along the township line to Bridgeton and Deerfield turnpike road; thence along the said turnpike to the by-road leading from George M. Cole's to Null's mill; including nevertheless, the lands of Aaron Leaming and Beriah Loper, lying east of said turnpike road; thence along said by-road to Cohancey creek; thence down the creek to the beginning.

Election of trustees.

2. *And be it enacted*, That the taxable inhabitants of the said school district shall meet on the first Monday of April next, at such hour and place within said district as the town superintendent shall designate, for the purpose of electing by plurality of votes three persons, being residents and tax payers in said district, to be trustees of said districts; and at the first election held after this act shall take effect, they shall elect one of said trustees to hold his office for one year, one to hold his office for two years, and one to hold his office for three years, and afterwards one trustee shall be elected annually to hold his office for three years; and in case of any vacancy, the same shall be filled by the election of a trustee to hold for the unexpired term; *provided*, that the trustees may fill a vacancy by

Proviso.

choosing a trustee to hold his office until the next annual meeting.

Duties of trustees.

3. *And be it enacted*, That the trustees elected in said school district shall perform the duties required of them by the act entitled "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six, and the several supplements thereto.

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

Approved March 8, 1859.

CHAPTER LXXIII.

AN ACT to incorporate the Essex County Bank.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Ward, Abner S. Reeve, Stephen G. Gould, Daniel Price, James Booth, Isaac A. Alling, Andrew Atha, Thomas B. Peddie, Richard Hall, Walter Tomkins, Orson Wilson, Alexander Grant, junior, Marcus B. Douglass, Charles S. Graham, and Edward H. Wright, and their associates, shall be and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "Essex County Bank;" and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend

General powers.

and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and may have a common seal, and may change, alter, and renew the same at pleasure; and by the same name shall be and are hereby made capable in law, of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall in no case be owners of any ships or vessels, or directly deal or trade in anything except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such ships or vessels, goods, wares, and merchandise, as shall be truly pledged to them, by way of security for debts due, owing, or growing due to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its land; *provided, also*, that the real estate which it shall be lawful for the said corporation to hold shall be only such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, for loans or contracts made or conveyed to it in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to the said corporation.

Proviso.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, actually subscribed, and whereof fifty thousand dollars shall have been paid in in cash, with the privilege of increasing the same to five hundred thousand dollars at any time during the continuance of this charter; and that the present owners of stock in an association formed at the city of Newark, in this state, and doing business there, called and known as the "Essex County Bank," under the provisions of an act of the legislature of this state, passed February twenty-seventh, eighteen hundred and fifty, entitled "An act to authorize the business of banking," and the supplements thereto,

shall have the right, and be deemed and taken as the subscribers to the stock of the bank incorporated under this charter, to the same number of shares they may hold in the said association at the date of the passage of this act, and that from that time all the property of the said association shall vest in and be deemed and taken as belonging to the new company chartered by this act, their successors and assigns, and with the same remedies at law and in equity, in respect thereto, as if the original association, and subscription to the stock had been made under this act.

Election of directors.

3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by fifteen directors, all of whom, together with the president, shall be stockholders, and citizens of this state, and of whom at least eight, together with the president, shall have been residents within the said city of Newark for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the fourth Tuesday of October in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said board of directors not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers in the city of Newark; for the well ordering of which election the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and after conclusion of the ballot shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held, in his, her, or their names, at least twenty days before the time of voting; and all such elections shall be by ballot, and the persons who shall have the greatest num-

ber of votes shall be directors, who shall take an oath of office; and if it should so happen, at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Joseph Ward, Abner S. Reeve, Stephen G. Gould, Daniel Price, James Booth, Isaac A. Alling, Andrew Atha, Thomas B. Peddie, Richard Hall, Walter Tomkins, Orson Wilson, Alexander Grant, junior, Marcus B. Douglass, Charles S. Graham, and Edward H. Wright shall be directors, and shall hold their offices respectively until the fourth Tuesday of October next, and until others shall be chosen by the stockholders.

First directors.

Quorum.

4. *And be it enacted*, That eight directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *provided*, that no discount shall be made, on any note or notes, bill or bills, without at least one good indorser or other good and sufficient security.

Proviso.

Duties and powers of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt, issuing and circulating bank bills, receiving deposits, buying and selling gold and silver bullion, foreign coins, and bills of exchange, may loan money on real and personal security, and exercise such other incidental powers as shall be necessary to carry on such banking business, and also make and prescribe such

by-laws, rules, and regulations as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business, and effects thereof, the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation, the duties and conduct of the officers, clerks, and servants employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and shall have power to appoint as many officers, clerks, and servants for carrying on said business, and with salaries and allowances, as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions and requirements of this charter or to the constitution and laws of the United States or of this state; *and provided further*, that the president, cashier, and other officers of the said bank shall, at the time of entering upon their stations, take an oath or affirmation faithfully to perform the duties of their respective offices; and the cashier shall give bond, with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of such cashier, and the clerks shall also give bonds, in like manner, for such amount as the directors shall order; but it shall be the duty of the directors, as often as once in every year, to pass upon the sufficiency of the said bonds, and if any are not sufficient, in their opinion, to require new and additional bonds and securities to be given; *and provided further*, that all appointments made by the directors shall be held at the pleasure of the board.

Proviso.

Proviso.

Proviso.

6. *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar; and that the stock of said corporation shall be considered as personal property, and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all the other banking institutions in this state are liable to, and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and the directors of said

Payment of instalments.

company may require payment for instalments upaid, at such times, and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days, in two of the newspapers printed in the city of Newark.

Transfers of stock.

7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person transferring shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposits in said bank, shall not exceed the sum of the capital stock subscribed and actually paid into the said bank.

Bills to be assignable and negotiable.

8. *And be it enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon, under the hands of such person or persons, his, her, or their assignee or assignees, to bring and maintain an action thereupon in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect, as upon any private person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order,

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or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Dividends. 9. *And be it enacted*, That is shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable, but that they shall make no dividend of any part of the capital stock.

Rate of discount. 10. *And be it enacted*, That the rate of discount at which loans may be made by the said corporation shall not exceed the rate of interest authorized by the laws of this state, for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange and the purchase and sale thereof.

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Annual statement to be made. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of one year, that then and from thenceforth this charter and the privileges hereby conferred shall cease and be forever at an end.

Charter void if bills are not redeemed. 12. *And be it enacted*, That if at any time after the passage of this act the said president, directors, and company shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors, and company shall forfeit their charter forever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum from

the time of such demand until the same shall be paid as aforesaid or otherwise satisfied.

Assets liable for redemption of bills.

13. *And be it enacted*, That if the said corporation shall, at any time hereafter, become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of directors.

14. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they have ceased to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall

Proviso.

be sold until after the expiration of four months from the date of said judgment or decree.

Amount of assets to be divided pro rata.

15. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

16. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and that if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions against directors or stockholders.

17. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Amount of issue.

18. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully

issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year nor more than five years, in the discretion of the court.

Quarterly statements to be made.

19. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of April next, and on the first Monday of July, October, January and April, thereafter, to publish in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Stockholders to be residents of state.

20. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Former association merged in present.

21. *And be it enacted*, That the association aforesaid under the name of the "Essex County Bank," shall, on the passage of this act, and the acceptance of the same by the directors, signified by a certificate of such acceptance, signed by the president and cashier, under the seal of the said association, and filed in the office of the treasurer of this state, be deemed and taken as merged in the corporation created by this act; *provided*, that the new corporation shall be liable to all the responsibilities and obligations of the said association.

Proviso.

Limitation.

22. *And be it enacted*, That this act shall take effect immediately on its passage, and shall continue in force for the term of twenty years from the date thereof; and further, 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 requires it.

Approved March 9, 1859.

CHAPTER LXXIV.

AN ACT entitled an Act to authorize the trustees of the Methodist Episcopal Church in the village of Crosswicks, county of Burlington, to sell and convey land.

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees for the time being of the Methodist Episcopal Church in the village of Crosswicks, in the county of Burlington, are hereby authorized and empowered at any time hereafter, to sell the burying ground attached to the above named church, in lots for burial purposes, and no other; and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed or deeds for the same, under the hand of the president of the board of trustees, and place the seal of the church thereon.

Proceedings to be recorded.

2. *And be it enacted*, That the said trustees shall cause to be entered in their book of records a correct statement of all the moneys received, arising from the sale of said lots, and the expense attending the same, with their general proceedings under this act.

Disposition of proceeds of sale.

3. *And be it enacted*, That all moneys, profits or incomes arising therefrom, shall be held or disbursed by them, for the use and benefit of the said church.

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

Approved March 9, 1859.

CHAPTER LXXV.

AN ACT to incorporate "The Equitable Mutual Life Insurance Company of New Jersey."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Beach Vanderpool, William S. Faitout, Peter S. Duryea, Jacob D. Vermilyea, Ira M. Harrison, Daniel Dodd, Horace J. Poineer, David A. Hayes, John Morrison, James H. Clark, John H. Kase, Theodore P. Howell, Cornelius Walsh, Daniel Price, Roswell Van Buskirk, Edward P. Clark, David Price, Samuel W. Bond, Daniel Pierson, Charles Heath, John Hartshorn, and Alfred L. Dennis, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted, and appointed a body politic and corporate by the name of "The Equitable Mutual Life Insurance Company of New Jersey."

Persons insuring to be members.

2. *And be it enacted*, That all persons who shall at any time hereafter insure with the said corporation, and continue to insure as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Number of directors.

3. *And be it enacted*, That all the corporate powers, and the property and concerns of the said corporation shall be exercised, conducted and managed by twelve directors, a majority of whom shall be citizens of this state.

First directors.

4. *And be it enacted*, That Beach Vanderpool, William S. Faitout, Peter S. Duryea, Jacob D. Vermilyea, Ira M. Harrison, Daniel Dodd, David A. Hayes, James H. Clark, John Morrison, Theodore P. Howell, Daniel Price, and John H. Kase, shall constitute the first board of directors, who shall, at their first meeting, divide themselves by lot into four classes, of three each; the term of the first class shall expire on the second Wednesday of May, eighteen hundred and sixty; the term of the second class, one year thereafter; the term of the third class, two years thereafter, and the

term of the fourth class, three years thereafter, and so on successively, each and every year; the seats of these classes shall be supplied by the members of this corporation, a plurality of votes constituting a choice, but an insurance of one thousand dollars shall be necessary to entitle a member to a vote; the first election of directors shall be held on the second Wednesday of May, eighteen hundred and sixty, and on the same day each year thereafter, at such time and place in the city of Newark, as the directors may designate; if any director of the said corporation shall die, refuse to serve or neglect to act in his said office, for the space of four months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies, until the next annual election; and in case it should happen that an election for directors should not be held on the day, when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; this section shall not be construed to prevent a director going out from being eligible to a re-election.

Election of directors.

5. *And be it enacted*, That it shall be lawful for the said corporation to insure their respective lives, and to make all and every insurance appertaining to, or connected with life-risks, and to grant and purchase annuities; and it shall 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.

Corporation may insure lives.

6. *And be it enacted*, That at the first meeting of the directors, held after the organization of this company, and at the first meeting of the directors after each annual election, the directors shall choose from among themselves, one person for president, who shall continue in office for one year, and until another shall be appointed in his place.

Appointment of president.

7. *And be it enacted*, That it shall be lawful for any married woman by herself and in her name, or in the name of any third person with her assent, as her trustee, to cause to be

Married woman may insure life of husband.

insured for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her and for her own use, free from the claims of the representatives of her husband or of any of his creditors, but such exemption shall not apply when the amount of premium annually paid shall exceed one hundred and fifty dollars; 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.

Restrictions and liabilities.

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

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

Approved March 9, 1859.

CHAPTER LXXVI.

AN ACT relative to the election of overseers of highways in the township of Woolwich, in the county of Gloucester, and the township of Oxford, in the county of Warren.

Election of overseers authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district in the township of Woolwich, in the county of Gloucester, and of the township of Oxford, in the county of Warren, be and they are hereby authorized to elect an overseer of the highways for such district.

Time of holding election.

2. *And be it enacted*, That such elections shall be held annually in each road district on the Saturday next previous to the annual township meetings in said townships, at such time and place and upon such notice as shall be determined upon at the previous annual meeting in such road district; and it shall be the duty of the town clerk of said townships to give the notice so determined upon, as aforesaid.

First election.

3. *And be it enacted*, That the first election in said districts shall be held on the Saturday previous to the annual township meeting, at such time and place as shall be designated by the town clerk of said townships, notice whereof shall be given by an advertisement of five days previous thereto, being set up in two public places in each district.

4. *And be it enacted*, That no overseer or overseers shall be elected in said townships except under the authority of this law.

Approved March 9, 1859.

CHAPTER LXXVII.

AN ACT relative to the public streets in the town of Millville, in the county of Cumberland.

Preamble. WHEREAS, Thomas H. Paschall, under the direction of the township committee of Millville township, of the county of Cumberland, has completed a map of the town of Millville, called the "Millville town plot;" AND WHEREAS, in said plot or map he has marked and established certain streets under the direction and with the consent of the said township committee, and the land owners, and it is desirable that the said streets thus marked and established, should be made public highways, therefore,

Streets to be public highways on filing map. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the said township committee, and the respective land owners, filing in the clerk's office of the county of Cumberland, a copy of said map or town plot, showing the location of the different streets, the said streets in the town of Millville, as marked and established upon the said map, shall be, and they are hereby declared to be public highways, and as such to be opened, repaired and kept in good order by the overseer of the roads of the said township.

Approved March 9, 1859.

CHAPTER LXXVIII.

AN ACT to incorporate the town of Guttenberg, in the county of Hudson.

Boundaries of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of North Bergen, designated on a map of the new village of Guttenberg, laid out by the Weehawken Land and Ferry Association, surveyed by William Hexamer, and filed in the clerk's office of the county of Hudson, on the seventh day of June, in the year of our Lord one thousand eight hundred and fifty-three, shall be, and hereby is, created into, designated and known as the town of Guttenberg, in the county of Hudson.

General powers.

2. *And be it enacted*, That the said corporation may, by that title, sue and be sued in any of the courts of this state, have a common seal, alterable at pleasure, and shall have power to make and enforce all ordinances necessary or useful for opening, laying out, grading and regulating streets and roads within the limits of said town, and laying and regulating side and cross walks therein, for assessing the costs and expenses of the same equitably upon the owners of property who may be benefited thereby, and for collecting the amount thereof from the persons against whom such assessment shall be made respectively.

Councilmen may pass ordinances.

3. *And be it enacted*, That the power to pass and enforce all ordinances requisite to carrying into effect the provisions of this act shall be vested in five councilmen, who shall severally hold their offices for the term of one year, and until their successors shall be chosen.

Election of councilmen.

4. *And be it enacted*, That the legal voters residing within the limits of said town shall, at the annual town meeting in North Bergen township, annually elect, by plurality of votes, five councilmen, of which election the clerk of North Bergen township shall give the usual notice, each of whom shall, for the time being, be a resident of said town, and

Town officers.

a legal voter of the township of North Bergen; the said councilmen may, for the transaction of the business of the town, appoint a clerk and treasurer, to hold their offices, respectively, during the term of office of the councilmen making such appointments; the treasurer shall, before entering upon the duties of his office, execute and deliver to said councilmen a bond, in such amount and with such sureties as shall be satisfactory to the said councilmen, conditioned for the faithful performance of his duties as such treasurer, which bond shall be taken in the name of the town of Guttenberg; it shall be filed in the office of the town clerk, and for any forfeiture thereof, suit may be brought, and the amount so forfeited be recovered, with costs, in an action of debt, in any court of record in this state.

Election in North Bergen.

5. *And be it enacted*, That the inspectors of election and clerk of the township of North Bergen shall also hold the election for councilmen of the town of Guttenberg, and for that purpose prepare a separate ballot box to receive the votes to be cast at said election for councilmen, and the same shall be conducted in all other respects as the annual elections for township officers are by law regulated; and the said inspectors shall, for such election, be entitled to receive from the said town of Guttenberg the like sums allowed them by law for holding the township elections; no person shall be deemed ineligible to the office of councilman by reason of his being an inspector or clerk at such town election; the return of the election of councilmen shall be filed in the office of the clerk of the town of Guttenberg; and no councilman shall enter upon the discharge of his duties until he shall first have taken and subscribed an oath or affirmation, to execute the trust reposed in him, as a councilman of the town of Guttenberg, faithfully and impartially, before a justice of the peace of the county of Hudson, and filed the same with the clerk of the township of North Bergen.

Map to be made of streets laid out.

6. *And be it enacted*, That no ordinance or other proceeding of said corporation shall be valid or take effect, unless

concurred in by a majority of said councilmen; and whenever any ordinance opening, laying out, altering or regulating the grade of any street or road in said town, shall be passed, a map thereof shall be made, under the direction of said councilmen, and placed in the office of the town clerk for the inspection of all persons interested in such improvement, and to remain as evidence in all causes and matters relating to such grades, opening, alteration or regulation.

Assessment and collection of taxes.

7. *And be it enacted*, That for the payment of the expenses incident to said corporation, other than those relating to streets, it shall be lawful for said councilmen, by ordinance, to order a sufficient sum, not to exceed two hundred dollars in any one year, to be levied for that purpose; and the assessor or assessors of the township of North Bergen, on being duly served with a certified copy of such ordinance, shall assess the amount thereof upon the inhabitants and real estate of said town and on the property of non-residents, in the same manner as township taxes are assessed, and the same shall thereupon be assessed, levied and collected in the same manner, in all respects, as taxes for township purposes are or may be by law authorized to be assessed, levied and collected; the township collector shall pay over all such taxes received by him to the treasurer of the town of Guttenberg; the said collector shall proceed in all things as by the laws of this state township collectors are bound to proceed, and shall be liable to the same pains and penalties prescribed in similar cases; and such further proceedings shall thereafter be had in case of any person being delinquent in paying said taxes as are or may be prescribed by the laws of this state for the collection of taxes for township purposes; and every constable shall pay over to the treasurer of the town of Guttenberg all moneys collected by them upon any tax warrant.

Property to be assessed for improvements.

8. *And be it enacted*, That it shall and may be lawful for the councilmen, in each and every case where improvements shall be prayed for, as hereinafter provided for, and ordinance passed by the councilmen for that purpose, to

appoint three discreet, impartial and disinterested persons, residents in said town, who shall be duly sworn or affirmed to assess upon principles of equity the lands and real estate benefited by the same, in proportion to the benefit received for the improvements to be made in the streets, roads, lanes and alleys, or parts of each, and for grading the same, or any part thereof, and for curbing and guttering, and laying side and cross walks therein, in any part thereof, and for making needful sewers and drains; which said assessment shall include the expenses of making the same, and shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said councilmen, under their hands and seals, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of the said township of North Bergen, whose duty it shall be to return the said warrant to the said councilmen within thirty days thereafter, with the moneys raised thereupon; and in case the moneys therein required to be made, together with the costs, or any part thereof (which costs shall be the same as on a tax warrant), cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within said thirty days, to said councilmen; after which time the councilmen may proceed to enforce the lien, hereinafter created, upon the said real estate; *provided*, that no assessment shall become final until after notice thereof shall have been published by the said three assessors, by notice in writing set up in three of the most public places in said town, for the space of twenty days at least, and until the same shall have been confirmed by the said councilmen, of the meeting of which said councilmen like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief; and if, by reason of such appeal, deficiencies shall arise in the amount necessary to complete such assessment, then the same shall be made up, assessed and collected in like manner; *provided*, that no such assessment shall be made unless upon petition

Proviso.

Proviso.

of, at least, the owners of a majority of the land over which such improvement shall pass; *provided*, that it shall and may be lawful for the said councilmen, whensoever they may deem the same to be necessary, and without any petition for that purpose, upon ordinance passed by them, to appropriate the sum of three thousand dollars for the improvement of that part of the ferry road, as designated on said map of Guttenberg, from the easterly line of the bulls' ferry road, leading down the hill to the dock; which sum shall be assessed by three discreet persons, residents of said town, appointed by said councilmen, who shall be duly sworn or affirmed to assess the same upon the inhabitants and real estate of said town, and on the property of non-residents; of which said assignment like notice as above shall be given, and it shall be confirmed by said councilmen, and collected in the same manner as is above provided for in this section in cases of other improvements. Proviso.

9. *And be it enacted*, That the said councilmen upon like petition, shall by ordinance appoint three persons to act as commissioners to lay out or open any street, road, lane or alley in said town pursuant to the request of the said petition; said commissioners shall be discreet, impartial and disinterested persons, residents in said town, and shall take and subscribe an oath to act faithfully and impartially in the premises; they shall cause ten days' notice of their meeting, together with a general description of the improvements applied for, to be set up in three of the most public places in said town, and shall at the time appointed view the premises, and hear objections if any shall be offered; after which, if any or a majority of them shall adjudge the laying out and opening of any such street or road proper and necessary, they shall lay out the same, and make return thereof in writing under their hands, together with a map containing a particular description by survey, of such improvement, and appoint a time therein for opening the same, which map and return shall be deposited in the office of the town clerk, for the inspection of the parties interested, and in case said return shall be Commissioners to lay out streets.

confirmed by the councilmen, the same shall be indorsed "confirmed," and being subscribed by the councilmen or a majority of them, shall be final and conclusive upon all parties concerned; the said map and return shall be filed in the clerk's office of the county of Hudson, and the return recorded by the clerk in the county road book, who shall be entitled to the same fees as for recording the return of the laying out of a public highway, together with an appraisal or valuation duly made of the damages done to the owner or owners of the land over which said street shall be laid out, and which appraisal or valuation shall specify the name of the owners, the quantity of the land taken, and the damages sustained by each of the owners thereof, together with an assessment duly made upon the property benefited by reason of the laying out said street or road, which assessment shall be a lien thereon, and be collected in the same manner as assessments are collected in the preceding section, and when so collected shall be paid over to the owners damaged by the laying said street;

Proviso. *provided, however,* that no return shall be confirmed until after twenty days' notice of the meeting of the councilmen for that purpose shall be given in writing, and set up in three of the most public places in said town, under the directions of said councilmen, and to whom any person

Proviso. feeling aggrieved may appeal for relief; *provided* that for the purpose of laying out or opening that part of the Ferry road referred to in section eight of this act, the three commissioners shall be discreet persons, residents of said town, and disinterested in any real estate along the line of said Ferry road, and may be appointed by said councilmen without any petition for that purpose.

Councilmen may order street to be opened.

10. *And be it enacted*, That the councilmen may by written order under their hands and seals, cause any street, lane, alley, or road, in said town, laid out under this act, to be opened at the time specified by the commissioners for opening the same, and said street, lane, alley, or road, shall thereupon be a public highway.

11. *And be it enacted*, That all assessments which shall be made or assessed upon any real estate in said town by virtue of this act shall be and remain a lien thereon from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, 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 for the payment thereof, it shall and may be lawful for the councilmen of said town to cause such lands, tenements, or real estate to be sold at public auction, for the shortest time 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, charges and expenses, and to execute under their hands and seals a declaration of such sale, and deliver the same to such purchasers; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof hold and enjoy said lands, tenements or real estate for his, her or their own use against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided* said councilmen shall have first caused said sale to be advertised, by advertisements put up in at least ten of the most public places in said town, and also in one newspaper, published in said county, for the space of sixty days previous thereto, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of assessment thereon; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner or owners, mortgagee or mortgagees thereof, within two years from the date of the sale, on payment of the amount of the purchase money, with interest at the rate of ten per cent. per annum from the day of sale, and all expenses necessarily incurred thereupon; *and provided also*, that in case the same shall be paid as hereinbefore provided, by the mortgagee or mortgagees, then and in that case the whole amount of that payment shall be recoverable under

Assessments of real estate to be a lien.

Proviso.

Proviso.

Proviso.

and by virtue of the mortgage which said mortgagee or mortgagees may hold upon such real estate, in the same way and manner, in all respects, as if the same were secured by said mortgage; *provided also*, that every mortgagee shall have a right to redeem at any time after sale, unless the purchaser shall give such mortgagee three months' notice of such purchase and of his right to redeem within three months after such sale.

Proviso.

Penalties, how recovered.

12. *And be it enacted*, That no penalty for any offence against any ordinance passed by the councilmen under the provisions of this act, shall exceed the sum of twenty dollars; and all penalties shall be recoverable, with costs, in an action of debt, in the court for the trial of small causes, upon suit brought in the name of the town of Guttenberg; and all moneys so recovered shall be applied in such manner, for the benefit of said town, as the said councilmen shall deem proper.

Inhabitants not incompetent as witnesses.

13. *And be it enacted*, That nothing in this act shall be construed to disqualify any inhabitant of the town of Guttenberg from giving evidence in any action brought in the name of said corporation by reason of his being such inhabitant.

Corporation may pass ordinances.

14. *And be it enacted*, That it shall be lawful for the said corporation to pass ordinances, and enforce the same by fines or imprisonment, as they may deem necessary and proper, to prevent therein all persons from gunning, hunting, shooting, fishing, racing, immoderate driving, dancing or behaving in a disorderly manner on the first day of the week, called Sunday; also, to suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality; *provided* that no fine shall exceed five dollars for the first offence, nor more than twenty dollars for each offence thereafter, and no imprisonment to exceed four days for any one offence.

Proviso.

Corporation to appoint officers.

15. *And be it enacted*, That the said corporation shall have power to appoint such number of subordinate officers and agents as they may deem proper to enforce all such ordinances as they may be authorized by this act to pass,

which officers shall have power to arrest all persons violating any of the ordinances of this corporation, and to bring them before some one of the councilmen, who may proceed, in a summary way, to hear and determine the said charge; and if the said person so charged shall be found guilty, the said councilman may impose a fine, and, in default of payment, may commit the person to the county gaol till said fine shall be paid, together with all the fees of the gaoler for keeping him or them.

Ordinances to prevent animals running at large.

16. *And be it enacted*, That it shall be lawful for the said corporation to pass ordinances to prevent all animals from running at large upon the public streets or highways within the said town, and to authorize the construction of pounds, to impound all animals as may be found running at large in manner aforesaid.

Public act.

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

Approved March 9, 1859.

CHAPTER LXXIX.

A FURTHER SUPPLEMENT to the act entitled "An act making lands liable to be sold for the payment of debts," approved April sixteenth, eighteen hundred and forty-six.

Proceedings in case of death of executor or

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, Where any sole or surviving exe-

administrator before delivery of deed.

cutor, or sole or surviving administrator, who hath heretofore sold, or may hereafter sell any lands or real estate for the payment of debts of his testator or intestate, by virtue of an order of any orphans' court, shall have died or may hereafter die, after such sale has been confirmed by said court, and before the delivery of the deed or deeds for said lands or real estate, to the purchaser or purchasers, and said lands or real estate have not been heretofore resold, the said court at any term after the passage of this act, shall on the application of any one interested in the sale of said real estate, by rule of court, direct the administrator or administrators *de bonis non* of such testator or intestate, and the survivor or survivors of them, to execute good and sufficient conveyances in the law to said purchaser or purchasers, for the tract or tracts of land or real estate so sold; and it shall be the duty of the said court, before granting such rule, to take of such administrator or administrators, *de bonis non*, bonds, with able and sufficient sureties, the same in effect, as are required by the twenty-second section of the act to which this is a supplement, to be given by any executor or administrator who may be ordered to sell land or real estate.

Approved March 9, 1859.

CHAPTER LXXX.

A SUPPLEMENT to an act entitled "An act to incorporate the Hainesport Boarding House Company," approved March eighteenth, A. D. eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section of the act to which this is a supplement as authorizes said company to receive a conveyance from the owners of all that lot of land and premises, situate at Hainesport, in the county of Burlington, known as "Steamboat Hall," and therein particularly bounded and described, upon the said company paying therefor the sum of seven thousand dollars, be and is hereby repealed; and it shall be lawful for said company to purchase and receive a conveyance for such real estate as they may think proper, for the purpose of locating said boarding house, at any distance not exceeding three-quarters of a mile from said Steamboat Hall at Hainesport aforesaid. Part of former act repealed.

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

Approved March 9, 1859.

CHAPTER LXXXI.

AN ACT to incorporate the Millville and Glassboro' Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas H. Whitney, Mathias R. Crane, John M. Moore, Joshua Richman, Samuel A. Whitney, Benjamin Harding, Samuel J. Bayard, John W. Cain, Nathaniel Stratton, William D. Kemble, Ferdinand F. Sharp, John McNeal, Russel D. Greene, Isaac B. Mulford, Isaac Sharpless, Furman L. Mulford, Franciss Lee, George B. Cooper, and such other persons as may be hereafter associated with them, 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 "Millville and Glassboro' 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.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of 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.

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 said corporation, at such time or times, and place and places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them, and as soon as one hundred thousand dollars of the capital stock shall be

subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting all expenses previously incurred, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of the 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 powers and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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

Duties and powers of directors.

5. *And be it enacted*, That five directors of said corporations shall be competent to transact all business of said

corporation, and shall have power to call in the capital stock of said company by such instalments, and at such times as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks, and in case of the non-payment of said instalments, 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 the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be and are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the village of Millville, in Cumberland county, to such point at or near to the village of Glassboro', in the county of Gloucester, as may be deemed advisable; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling or laying out the said route or routes 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 determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works, necessary to lay rails, and to do all

other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation, or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more shall be taken, with as many set of tracks and rails as the company may deem necessary; and *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

Proviso.

Proviso.

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

Proceedings in case company and owners cannot agree.

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 or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from, or in consequence of the said railroad or branch road, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same: and assessment of damages as shall be paid by the company, for such lands or material, 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 oath 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 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 injury 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 Proceedings on appeal.

have awarded, then said cost 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 where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of the commissioners.

Proviso.

Company to make and keep in repair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle, along the said road, shall not be obstructed, and likewise when 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.

10. *And be it enacted*, That the said company may purchase, have, and hold real estate, at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient, for the safety of property and the 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, over such rivers, creeks or 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*, 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 obstruct the navigation thereof. What real estate may be held. 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 nett profits of the said railroad. Dividends.

12. *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 other vehicles, for the transportation of persons, or any species of property on the railroads as they may think fit, reasonable, expedient or right. Company may construct or purchase machines, engines, &c.

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, freight or passengers, and to enforce the fulfilment of such contracts. Company may contract with other corporations.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads Penalty for injuring works.

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.

When company may commence running.

15. *And be it enacted*, That when five miles or more of said road shall be completed, the said company may commence running cars, for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Annual tax to be paid to state.

16. *And be it enacted*, That as soon as the railroad with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and as soon as the said company shall declare among their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

Corporation may borrow money.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by

bond, or mortgage, or otherwise, on the said road, lands, privileges, franchises, and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state, against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. Proviso.

18. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said roads, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after notice of the said appointment, by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company, or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, with its appendages, upon the payment to the company of the amount of said report, within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon 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 State may take road on payment of appraisement.

the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company, or advance of stock, and the said valuation shall in no case exceed the first cost, or valuation of said road, with the appendages thereof.

Proviso.

Commencement and completion of road.

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

Certain officers to pass free.

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

Approved March 9, 1859.

CHAPTER LXXXII.

SUPPLEMENT to an act entitled "An act to incorporate the Salem Railroad Company," approved March fourteenth, eighteen hundred and fifty-six.

Commissioners to call meeting of stockholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners to open the books to receive subscriptions to the capital stock of the Salem Railroad Company, shall be and are hereby authorized to call a meeting of the stockholders therein, to organize said company so soon as seventy-five thousand dollars shall have been subscribed thereto.

Part of former act repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement as shall conflict herewith, shall be and is hereby repealed.

Approved March 9, 1859.

CHAPTER LXXXIII.

A FURTHER SUPPLEMENT to an act entitled "An act to authorize the inhabitants of the townships of Bedminster and Warren in the county of Somerset, and of the townships of Randolph, Chester and Rockaway in the county of Morris, and of the township of West Windsor in the county of Mercer, and of the township of Washington in the county of Bergen, and of the townships of Hope, Hardwick and Knowlton in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings."

Election of overseer of the highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseer of the highway of road district number nine, in the township of Warren in the county of Somerset, shall be elected by the legal voters of said district as the same may be arranged from time to time by the township committee in said township, and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of said township to give notice of the time and place of holding the first district road meeting under this act, and which meeting shall be held on Saturday next, previous to the annual town meeting in said township at the school-house near Ephraim P. Chandler's, and shall cause notice thereof to be posted up in some conspicuous place in said district, at least five days before the time of holding such meeting, when and where the legal voters residing in said road district shall assemble for the purpose of such election, and when so assembled, the said voters having been called to order by any one of their number, shall proceed by the holding up of hands, to elect a moderator of such meeting by a plurality of votes; and being thus organized the meeting shall proceed in the same manner by the holding up of hands, to elect an overseer of the highway for such road district, and the moderator at such first meeting shall at the first annual town meeting next after such election, notify the township committee of said township of the said

election, and the name of the person so elected overseer, and in the case of the failure of said district to elect an overseer, or of the person so elected to accept of his appointment, the said township committee shall fill such vacancy and shall furnish the name of the overseer of the said highways so elected or appointed, to the clerk of the township, and he shall publish the same with the names of the officers and the proceedings of the said first town meeting held after such election.

Notice to be given of district road meetings.

2. *And be it enacted*, That all subsequent district road meetings in said district, shall be called by the overseer of said road district upon notice to be posted up in some conspicuous place in said road district, at least ten days before the time of holding such meeting, and all such subsequent district road meetings shall be held on Saturday next preceding the annual town meeting in said township, and should the overseer of said district fail to call such meeting, or should the person elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee of said township shall fill such vacancy, and cause the name of the person so elected or appointed to be published as aforesaid by the clerk of said township, upon their receiving from the moderators of such subsequent meetings respectively, the name of the person so elected thereat and which said moderators are hereby required to notify said township committees of the name of the person so elected, at the said annual town meeting, next after such election.

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

Approved March 9, 1859.

CHAPTER LXXXIV.

AN ACT to incorporate the "Bank of Ocean County, at Tom's River."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Reuben Potter, John Aumack, Amos P. Stanton, Edward W. Ivins, William I. James, Thomas W. Ivins, John Tilton, David S. Parker, Francis J. Speer, John H. Gulick, Thomas W. Middleton, Thomas Hooper, Geo. Gravatt, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The Bank of Ocean County, at Tom's River," and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations;

Proviso.

provided, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with privilege, in the board of directors, of increasing the same to one hundred thousand dollars, and shall be divided into shares of fifty dollars each; that the said Reuben Potter, John Aumack, Amos P. Stanton, Edward W. Ivins, William I. James, Thomas W. Ivins, John Tilton, David S. Parker, Francis J. Speer, John H. Gulick, Thomas W. Middleton, Thomas Hooper, George Gravatt, or a majority of them,

shall be and they are hereby appointed commissioners to open, at Tom's River, in the county of Ocean, books of subscription for, and receive subscriptions to said capital stock, giving at least twenty days' notice, in the newspaper printed or circulating at Tom's River, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; and no person but citizens of the state of New Jersey shall be allowed to subscribe for said stock; and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, five of whom shall be a quorum for the transaction of business; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of April in every year, at the banking house of said corporation, in the village of Tom's River, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in the newspaper printed or circulated at Tom's River; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend, in person or by proxy, they being, respectively, entitled to one vote for each share of stock held in his, her or their own name or names for at least three calendar months next before the election; that for the well ordering of said election, the board of directors, or the commissioners acting as such, shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct

the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not, for that reason, be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

First election of directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the village of Tom's River, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement, in the newspaper printed or circulating at Tom's River; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner hereinbefore prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall as soon as conveniently may be after said election, organize by electing a president, in the manner hereinbefore prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions

to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their office until the second Tuesday of April next after their election, and until their successors shall be chosen.

Payment of instalments.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board; *provided* that at least twenty days' previous notice of the time and place for paying said instalments, shall be given by advertisement, in the paper printed at Tom's River, and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

Proviso.

Appointment of cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his stead, at the pleasure of said board of directors; and upon such appointment or re-appointment he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills, obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignabe by assignment indorsed thereon, under the hand or hands of such person or persons and his, her or their assignee or assignees successively; and all bills or notes, bills obligatory, or of credit made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation, and at such other place or places as the laws of this state may direct.

Dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation, as the said board shall deem advisable; but no dividend shall be made of any part of the capital stock.

Rate of discount.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation, shall not exceed the legal rate of interest in this state for the time being;

Proviso.

provided, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange and the purchase and sale thereof.

Transfers to be registered.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person or persons, or any of them, transferring, shall have been fully discharged, nor until such transfer shall have

been registered in a book or books to be kept for that purpose by the board of directors.

Charter void if bills are not redeemed.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations, until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

Assets liable for redemption of notes.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole of the assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation

was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets to be distributed pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of said bills and notes.

Liability of stockholders.

15. *And be it enacted*, That the stockholders of said corporation, at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions against directors or stockholders.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money

had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof. Proviso.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in, and if the president or cashier thereof shall knowingly or wilfully issue or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court. Amount of issue.

18. *And be it enacted*, That it shall be the duty of said corporation, after commencing the business of banking, to publish, in at least one newspaper published or circulating in the county of Ocean, a statement, under oath or affirmation, of the actual condition of said corporation conforming, as nearly as may be, with the annual statement now required by law, and shall within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof. Statement to be made and published.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state. Majority of stockholders to be residents of state.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit shall have been made and filed in the office of the secretary of state, stating that twenty-five thousand dollars of the capital stock of said corporation had been subscribed for and paid in, conformable to the provisions of this act. Affidavit to be filed of payment of capital stock.

Limitation.

21. *And be it enacted*, That this act shall continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever, in their opinion, the public good shall require it.

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

Approved March 9, 1859.

CHAPTER LXXXV.

AN ACT to incorporate the Holmdel and Keyport 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 Holmdel and Keyport Turnpike Company" shall be opened by Gilbert H. Van Mater, Joseph Holmes, William Taylor, William Ackerson, Henry H. Seabrook, D. L. F. Schenck, and David Warner, 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 newspaper published in the county of Monmouth.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to fifteen thousand dollars, and shall be divided

into shares of twenty-five dollars each; and that, when two hundred or more 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 style of "The Holmdel and Keyport 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 act into effect.

Payment of instalments.

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 instalments, at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company.

Act void if stock is not subscribed for in certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said subscription book, 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 by them.

Election of directors.

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

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

Election of president.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of the said company, who shall hold his office for one year and until another shall be elected, and shall be 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.

Duties of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective 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.

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. Annual statement to be made.

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. Special meetings.

10. *And be it enacted*, That if from any cause an 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. Charter not void for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Holmdel to Keyport in the county of Monmouth, beginning at the Monmouth county plank road, in the village of Keyport, thence by the most convenient and direct route to Holmdel; which said turnpike road shall Company authorized to construct road.

not exceed fifty feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm and even road at all seasons of the year; and the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than sixteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained at the side 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 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 the taking of stone or gravel, sand or clay, from his lands for the construction or maintaining of said turnpike road.

Proviso.

Proceedings in case company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons, and 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 thereto as possible, repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road: and that when the said company or its agents cannot agree with the owner or owners of said 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 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 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 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 he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and 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 said lands and materials, and make a just and equitable appraisement of the value of the same and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make report thereof, under the hands and seals of 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 appointment and oaths or affirmations aforesaid, in the clerk's

office of the county of Monmouth, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy 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, hold, use, occupy, possess and enjoy the said lands or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and 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 the nature of a mortgage; and the said judge shall tax and allow such costs, fees, and expenses, to the judge, clerks, commissioners, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

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

For every carriage, sleigh, or sled drawn by one beast, three-quarters of one cent.

For every additional beast, three-quarters of one cent.

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

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

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

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

14. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile in use on said road; and on each post or stone shall be fairly and legibly marked the distance the said post or stone is from Keyport; 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 tolls 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." Milestones or posts to be erected.

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 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 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, with his or her carriage, team or horse, turn out of the said road to pass a gate or gates on private grounds adjacent thereto, and enter again on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would be for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit. Penalty for injuring works.

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

Penalty for obstructing passage.

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

Proceedings in case road and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Monmouth, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view said road, and report in writing under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travellers, he shall, for each offence, forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from the said company, again to view the said road or bridge, 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 to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed and paid by the person or persons making the complaint.

When gates may be erected.

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

Corporation may use public roads.

20. *And be it enacted*, That the said corporation may use any portion of the public roads on the route above named by and with the consent of two-thirds of all the land-holders along or on the route of said road; and if the owners of such lands shall refuse their consent, then and in that case, such road or roads shall be first vacated according to law.

Commencement and completion of road.

21. *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; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations."

Approved March 9, 1859.

CHAPTER LXXXVI.

AN ACT to incorporate the Bergen County Agricultural Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Van Winkle, Enoch Brinkerhoff, Andrew C. Cadmus, Cornelius A. Wortendyke, Abraham H. Hopper, Garret S. Demarest, Isaac D. Demarest, Thomas H. Herring and Thomas Voorhies, of the county of Bergen, and their associates and successors, shall be, and they are hereby constituted a body politic and corporate, by the name of "the Bergen County Agricultural Society."

Society may make by-laws.

2. *And be it enacted*, That the said society shall from time to time have power to make, alter, ordain and establish such constitution, by-laws and regulations as they shall judge proper, for the designation of the officers of said society, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing and directing the affairs of the society; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state, or the United States.

Proviso.

Corporation may hold real estate.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the society; *provided*, that such real estate shall at no time exceed in value the sum of ten thousand dollars; and whenever it shall see fit, the said corporation may sell, mortgage, lease and otherwise dispose of the same at pleasure.

Proviso.

Property not to be taxed.

4. *And be it enacted*, That all land or other property which may hereafter be owned by said society, and used for the purpose of promoting the objects of said society, shall not be liable to have any taxes assessed and levied upon it for any purpose whatever; *provided*, that such personal estate shall not exceed in value the sum of five thousand dollars.

Proviso.

Approved March 9, 1859.

CHAPTER LXXXVII.

AN ACT authorizing the release of the right of the state to the lands and real estate late of Jacob Emmans, deceased.

Preamble.

WHEREAS, on the twelfth day of March last past, a writ of inquisition was issued out of the court of chancery of the state of New Jersey, in the matter of the escheat of the real estate of Jacob Emmans, deceased (in said writ called Jacob Wortman), situate in the township of Chester, in the county of Morris, in this state, and it appears by return made to said writ of inquisition now on file in the office of the clerk of chancery, that the said Jacob Emmans, at the time of his death, was seized in fee simple of and in an equal undivided one-third part of the three several tracts of land and premises in said return particularly described, the first whereof contains two hundred and one acres and seventeen-hundredths, strict measure, and the second whereof contains two hundred and forty-nine acres and forty-four-hundredths of an acre, strict measure, and the third whereof contains one hundred and fifty acres and ninety-five-hundredths of an acre; and that the said Jacob Emmans died in the month of March, eighteen hundred and forty-two, and that he made no devise of said lands, and that he did not leave any lawful heir; AND WHEREAS, Joseph Emmans and Elizabeth Emmans, wife of Edwin Emmans, brother and sister of Jacob Emmans, deceased (in said inquisition called Jacob Wortman), and those claiming under them, have improved and for a long time past occupied, and still do occupy, the said lands; AND WHEREAS, it is deemed equitable and just that the brother and sister of said deceased, and those lawfully claiming under them, should have the lands whereof said deceased died seized; therefore,

Attorney-general to execute deed of release.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney general, upon

the payment to him of the fees, expenses, and costs incurred by the proceedings on the said writ of inquisition, do discontinue all further proceedings in relation to the escheat of the said lands of said Jacob Emmans (in said writ called Jacob Wortman), deceased, and in the name of the state do make, execute, and deliver a deed of release for the lands described in said return to the said Joseph Emmans and Elizabeth Emmans, wife of Edwin Emmans, their heirs and assigns, therein and thereby releasing to them, and each and every of them, all the right, claim, and interest which the state of New Jersey now hath, or at any time hereafter may have, of, in, and to the said tracts of land;

Proviso. *provided, however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person whatsoever to the said lands and premises, other than those claiming or to claim under the state of New Jersey;

Proviso. *and provided further*, that if the said Joseph Emmans and Elizabeth Emmans (now the wife of Edwin Emmans), or either of them, has or have by any valid conveyance or conveyances aliened or conveyed the said lands or any part thereof to any person or persons whatsoever, nothing in this act contained shall be taken or construed to impeach or impair the title of their grantee or grantees or any person or persons lawfully claiming under them, but in such case the said deed of release shall enure to the use, benefit, and advantage of such grantee or grantees, their heirs or assigns, or any person or persons lawfully claiming under them, according to their respective interests in said lands, to the same extent, and in the same manner, as if he, she, or they had been named therein as party or parties of the second part.

Public act. 2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately.

Approved March 9, 1859.

CHAPTER LXXXVIII.

AN ACT to incorporate the Union Fire Company of Crosswicks.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stacy Taylor, Simeon Hanold, Benjamin Davis, Josiah Buzby, Reuben Maps, Jr., Nathan F. Hendrickson, Barton Thorn, B. Rush Duer, William DeCou, John Lucas, and all persons, not exceeding one hundred in number, as now are, or hereafter shall become associates of the Union Fire Company of Crosswicks, 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 Union Fire Company of Crosswicks," and that they and their successors may make, enter into, and execute any lawful contracts or agreements touching or concerning the objects of said incorporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of four thousand dollars, which shall be applied to the purchase and holding of real estate; to the procuring, maintaining and repairing such fire engines, hose carriages, hose, ladders, buckets, fire hooks, engine houses, or other property, and such implements and machines, 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.

Annual election of officers.

3. *And be it enacted*, That the said company 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 according to their constitution and by-laws; and that he 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.

First forty members exempt from jury duty.

4. *And be it enacted*, That the first forty 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 take effect immediately.

Approved March 9, 1859.

CHAPTER LXXXIX.

AN ACT to incorporate the Standard Mutual Life Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Pennington, Thomas H. Herring, Joseph N. Tuttle, Daniel C. Whitman, Daniel Haines, Gabriel Grant, Richard Hall, James Tucker, Charles L. C. Gifford, Caleb S. Titsworth, Adolphus W. Waldron, Charles T. Gray, William Dunn, E. Newton Miller, David C. Dodd, Jr., Edgar G. Smith, and others, their associates, successors, and assigns, shall be and are hereby ordained, constituted, and declared to be a body politic and corporate, for the purpose of life insurance, and by the name of "The Standard Mutual Life Insurance Company," to be located in Newark, in this state, and by that name to sue and be sued, to plead and be impleaded, in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure; and also by that name shall be and hereby are empowered to purchase, hold, possess,

and enjoy to themselves and their successors, any estate, real or personal, for the use of the said corporation; *provided*, the lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for its immediate accommodation in the convenient 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. Proviso.

2. *And be it enacted*, That all persons who shall, at any time hereafter, insure in or with the said corporation, shall, while they continue so insured, be deemed and taken as members of said corporation; and that the property and concerns of said corporation shall be managed and conducted by sixteen directors, a majority of whom shall be citizens and residents of this state, to be chosen by ballot, by and from among the members; and the said board of directors shall, at their first meeting, divide themselves, by lot, into four classes, of four each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class shall expire at the end of four years, and so on successively each and every year: and an insurance of at least one thousand dollars in amount shall be necessary to entitle any member to a vote, and a plurality of votes shall constitute a choice; and that the election for directors shall be held on the first Monday in April in every year, at the office of the company, or such other Persons insuring to become members. Election of directors.

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place as a majority of the directors may previously designate, public notice of which shall be given in one or more newspapers published in the city of Newark, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that an election for directors should not be held on the day when, in pursuance of this act, it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of the said corporation.

Corporation may insure lives.

3. *And be it enacted*, That it shall and may be lawful for said corporation to make insurances predicated upon the lives of persons, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said corporation, and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever kind or nature; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the corporation, or their lawful representatives, according to the amount of each member's insurance;

Proviso.

provided, that such assessment shall not 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, in writing, shall be given to each member, or his lawful representative, of the assessment and amount by him or them required to be paid; and each and every member, or his lawful representative, so notified,

shall pay the same to the treasurer for the time being within sixty days after such notification; and in default thereof shall forfeit all right or claim to any policy or privilege that he may have obtained, and be no longer a member of the corporation, and shall be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Married women may insure life of husband.

4. *And be it enacted*, That it shall be lawful for any married woman, in her own name, or in the name of any third person as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life, and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable, after her death, to her child or children, for his, her, or their benefit, or their guardian or guardians, if under age; *provided*, that this section shall not apply to insurance where the annual premium shall exceed the sum of one hundred and fifty dollars, unless paid from the private property of the wife.

Proviso.

Duties and powers of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper for the management and disposition of the stock, property, estate, and effects of the corporation, and in all such matters as appertain to the government of said corporation and the transaction of its business; and shall have power to appoint an actuary and such other additional clerks and servants for carrying on the business of said corporation as they may select, with such allowance as to them shall appear just and satisfactory; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual election of president.

6. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and subsequent to every annual meeting of the members in each year after, the directors shall choose from among themselves one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place.

Directors to call meetings.

7. *And be it enacted*, That three or more of the directors shall have power to call a meeting of the directors, by giving notice in one or more newspapers published in the county of Essex, at least ten days before said meeting.

Investment of funds.

8. *And be it enacted*, That no part of the funds of the said corporation shall be used for the purpose of banking, and no investments shall be made except either in loans upon bonds and mortgages upon real estate of double the value of the debt secured thereon, or in United States stocks, or stocks created by any state in the Union, or in bonds of the city of Newark, or in bonds of such other cities of the United States as may be approved by the board of directors.

Act may be amended.

9. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, or modify this act.

Approved March 9, 1859.

CHAPTER XC.

A SUPPLEMENT to the act entitled "An act to prevent the destruction of small and harmless birds," approved March sixth, eighteen hundred and fifty.

Penalty for offending against provisions of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person offending against any of the provisions of the act to which this act is a supplement shall upon conviction be fined in any sum not less than three nor more than ten dollars, in the discretion of the court before whom such conviction shall be had.

Proceedings in cases of violation of act.

2. *And be it enacted*, That it shall be lawful for any person to make complaint, upon oath, before any justice of the peace, of any violation of any provision of the act to which this is a supplement, 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 state of demand.

Proviso.

Part of former act repealed.

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.

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

Approved March 9, 1859.

CHAPTER XCI.

AN ACT to enable Sarah M. Comings, the wife of Jacob W. Comings, a lunatic, to convey real estate.

S. M. Comings authorized to convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sarah M. Comings, of Newton, in the county of Sussex, the wife of Jacob W. Comings, a lunatic, be and she is hereby authorized and empowered to sell and convey all of her right, title and interest, both absolute and contingent, in and to all of the land and real estate in said county of Sussex, or any part thereof, whereof the said Jacob W. Comings, or any other to his use now is, or at any time during the marriage of said Jacob W. Comings and Sarah M. Comings, has been seized of an estate of inheritance; and the deed of said Sarah M. Comings for said land and premises, or any part thereof, shall convey and assure to the purchaser or purchasers thereof the same title and interest in and to said premises so intended to be conveyed, as if said Sarah M. Comings were at the time of such conveyance or conveyances a single female.

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

Approved March 9, 1859.

CHAPTER XCII.

AN ACT fixing the transit duty on low priced articles on railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the transit duty on lime, wood, stone, ashes, manure, lumber, coal, iron ore, and similar low priced articles, shall be two cents per gross ton, in lieu of the transit duty now required by law, to be paid on similar property carried over any railroad in this state; *provided*, that this shall not be construed to impose any such duty where none is now required, or increase any such duty where it is now less than two cents. Rates of transit duty. Proviso.

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

Approved March 9, 1859.

CHAPTER XCIII.

AN ACT for the relief of "The Matthew's Branch Meadow Company."

WHEREAS, the owners of a certain tract of marsh and meadow, situate on Woodbury creek, and upon a branch of said creek, called Matthew's Branch, in the township of Deptford, and county of Gloucester, which marsh was Preamble.

exposed to the overflow of the tide, but capable of being laid dry and put in a proper place of improvement, by one general bank or dam, were on application to the court of common pleas of the said county of Gloucester, and on report of commissioners duly appointed thereupon, associated as a company under the name of "The Matthew's Branch Meadow Company," pursuant to the provisions of an act entitled "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," passed November twenty-nine, seventeen hundred and eighty-eight; said report bearing date the twenty-fourth day of the seventh month (July), Anno Domini eighteen hundred and twenty-nine, and recorded in the clerk's office of the said county of Gloucester; AND WHEREAS, the said owners of said marsh and meadow, so associated, have petitioned for further powers, in order to collect taxes and to carry out the objects of said association; therefore,

Proceedings confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said proceedings, report, and association be confirmed and held valid, and the said owners be declared to be a body politic and corporate, under the said name of "The Matthew's Branch Meadow Company," with all the powers and privileges, and subject to the restrictions of the said 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 repair," and of the several supplements thereto.

Proceedings in case of non-payment of assessments.

2. *And be it enacted*, That if any of the owners or possessors of the meadow and marsh within the bounds of said company, and liable to be assessed therein, shall neglect or refuse to pay the sums assessed against him, her, or them, respectively, for and in behalf of such meadow and marsh, for twenty days after the time fixed for the payment thereof, and after notice, as provided in the sixth section of the said

act, passed November twenty-ninth, seventeen hundred and eighty-eight, in addition to the remedy therein provided, it shall and may be lawful for the treasurer of said company, in the name of "The Matthew's Branch Meadow Company," to sue for and recover the amount thereof, in an action of debt, in any court having jurisdiction thereof, and to give the assessment or the duplicate thereof in evidence, which assessment or duplicate, on proof of due notice for twenty days, shall be conclusive.

Approved March 9, 1859.

CHAPTER XCIV.

A SUPPLEMENT to the act entitled "An act to incorporate Societies for the promotion of learning."

Part of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the twelfth section of the act to which this is a supplement, as makes it necessary for any association incorporated under and by virtue of said act, in order to create a capital stock, to obtain "the consent in writing of all the members thereof," be amended, so that it may be lawful for any such association, by and with the consent in writing of a majority of the members thereof, to create such capital stock.

Agreement to be recorded.

2. *And be it enacted*, That the signature of each member of the association to such agreement shall be attested by at

least one subscribing witness, and it shall be the duty of the trustees of the association to have the same recorded in the clerk's office of the county in which such association

Proviso. shall be formed; *provided*, that it shall be first duly acknowledged before some officer authorized by law to take the acknowledgments and proofs of deeds, either by the several members so consenting, or by the subscribing witness or witnesses thereto.

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

Approved March 9, 1859.

CHAPTER XCV.

A SUPPLEMENT to the act entitled "An act to incorporate the Newark Gas Light Company."

Company authorized to lay down pipes, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall be empowered to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues, or public grounds of the township of Clinton, in the county of Essex, in this state, and to do all things necessary to light the said streets, alleys, lanes, avenues and public grounds in the said township, and the dwellings,

Proviso. stores, and other places situated therein; *provided*, that the public travel of the said township 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 order and perfect condition as before the laying of the said pipes, or the erection of the said posts.

Company may make contracts, &c.

2. *And be it enacted*, That the said company shall have the power and authority of entering into and executing such contracts, agreements or covenants in relation to the objects of this settlement, and of enforcing the same, and also such other powers and authorities as are given and granted by the first section of the act to which this is a supplement as may be necessary fully to carry out the purposes of this act.

Penalty for injuring works.

3. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatever, whereby any conduit, pipe, cock, machine, or structures whatsoever, or anything appertaining to the works of the said corporation situate in the said township of Clinton, 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 any wise 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.

Capital stock may be increased.

4. *And be it enacted*, That the said company shall have power to increase their capital stock to the further amount of one hundred thousand dollars, over and above the amount already authorized by law, which increased capital shall be subscribed and paid at such time or times and in the manner prescribed by the directors of said company.

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

Approved March 9, 1859.

CHAPTER XCVI.

AN ACT to incorporate the Hightstown and Perrineville Turnpike Company.

Commissioners to receive subscriptions.

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 and constituted and made a body politic and corporate, in fact and in law, by the name of "The Hightstown and Perrineville Turnpike Company," and that the following named persons, viz: William H. Mount, Edward C. Taylor, James C. Norris, Thomas Slack, E. T. R. Applegate, Thomas M. Perrine, Joseph J. Ely, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such time 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 a paper published in the county of Mercer.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with power to

increase the same to thirty thousand dollars, and shall be divided into shares of twenty-five 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 of them, which money shall be paid over to the treasurer of the said company, as soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such instalments, and at such times and places, as the board of directors of said company shall from time to time direct; that upon failure of the payment thereof, as so directed, the said board shall have power after giving twenty days' personal notice of their intention so to do, to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the company.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of 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 five hundred shares of said stock shall be subscribed for, the said company, or a majority of them, shall call a meeting of the 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, seven directors, for the term of one year, a majority of whom 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 said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect, by ballot, seven directors, a majority of whom shall be citizens of this state; and the judge 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 should 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 place.

Election of president.

4. *And be it enacted*, That so soon as 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 as the board of directors may direct; he shall keep the seal of the company, and preside at all meetings of said board; and in case of his absence the said board may appoint one of their number chairman pro tempore; 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 faithful performance of their respective trusts as they may deem expedient; and special meetings of the said stockholders may be called by the president, by giving ten days' notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

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

Company authorized to make road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road along the road known as the Hightstown and Perrineville road, commencing at the storehouse of William H. Mount, in the county of Monmouth, and following said road, as near as may be, to the intersection of the same with the Clarksburgh road; thence along and across lands of Wesley Sill, Benjamin Gordon, William Hutchinson, to a point on the old road, near the corner of Daniel Hutchinson's land; thence on the old road to the corner of the lands of John Dey and Fielder and Mount; thence in a direct line to the

old red bridge, near the village of Milford; thence by the old road to the borough of Hightstown, in the county of Mercer; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, said company, as soon as they shall construct the said turnpike road, shall pay to the respective owners of the lands over which they may pass, all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner may sustain by taking off stone, gravel, sand, or other materials from his or her lands, for the construction and maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That the said turnpike road shall be at least thirty-two feet in breadth, except across the pond at Perrineville, where it shall be at least twenty 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 twenty 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 railings to be erected on the sides, so as to prevent horses and carriages from running off. Description of road.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all Proceedings in case company and

owners cannot agree.

persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught, with all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing as little damage as possible, repairing any breach they make in the inclosure thereof, and to make all ditches and underdrains across and through said lands as are necessary for the proper draining of said road, and to take and carry away stone, clay, gravel or sand, or other materials 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 counties of Monmouth or Mercer, upon application by 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, judicious freeholders, residents of the state, commissioners to assess the price or damage of such materials, who shall, before they enter on the duties of their appointment, be duly qualified, according to law, faithfully and impartially to execute the duties thereof, and after six 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 or 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 said counties of Monmouth and Mercer, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or the tender of the sum so awarded by the commissioners, the said company or their agents may enter upon and 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 award made in behalf of any such persons by the commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners.

Rates of toll.

9. *And be it enacted*, That as soon as said company shall have constructed said road according to the directions of this act and the true intent and meaning thereof, or shall have constructed the same from Hightstown to the village of Milford, it shall and may be lawful for the said company to erect gates or turnpikes across the same, also to erect toll-houses thereon, and to demand and receive toll for travelling each mile and all fractions of a mile of the said road, not exceeding the following rates, to wit:—

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

For every additional beast, one cent.

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

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

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

And it shall and may be lawful for the toll-gatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves or hogs, or carriages of burden or pleasure, from passing through the said gates or turnpike until they have paid the toll aforesaid specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from their regular place of public worship on the Sabbath day, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing from any part of his farm to any other part of the same on the common business thereof.

Proviso.

Mile-stones to be erected.

10. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance said stone is from the borough of Hightstown, and shall cause to be fixed at the gates or turnpikes aforesaid, in some con-

spicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully throw down or deface any of the mile stones 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, besides being liable to an action of damage for the same, to be recovered by said company by action of debt or otherwise, 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 again enter on said with 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 action of debt, with costs of suit.

Penalty for taking illegal tolls.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing through any of the gates or turnpikes, 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 and defrauded.

Road to be divided into two divisions.

13. *And be it enacted*, That the said road shall be divided into two divisions, that part from Hightstown to the Monmouth county line to be called the western division, and that part from said line to Perrineville to be called the eastern division, and by such shall be known in all proceedings against the company; and any defect in one divi-

sion shall not affect the right to collect the toll on the other, but shall apply to that division only.

Proceedings in case road and bridges are 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 in the counties of Mercer or Monmouth, 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 four 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 shall 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 counties of Mercer or Monmouth, not residents 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 said part of the turnpike road or bridge so complained of, and report to said judge in writing, under their 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 said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of said judge to open said gates or turnpikes, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in 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-gatherers, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said toll 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.

Highway to be vacated before construction of road.

15. *And be it enacted*, That this act shall take effect immediately, but said company shall not construct their said turnpike along said highway until the same shall be vacated as a public highway according to law.

Approved March 9, 1859.

CHAPTER XCVII.

AN ACT to incorporate the Trenton Horse Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Timothy Field, Robert Aitken, William M. Force, Lewis Perrine, Thomas P. Johnston, Jonathan S. Fish, Charles Moore, Joseph Whitaker and James T. Sherman, and such other persons as may be hereafter associated with them, shall be, and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of the "Trenton Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the said corporation.

2. *And be it enacted*, That the amount of the capital stock of said corporation shall be thirty thousand dollars, with privilege 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 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, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the city of Trenton, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as twenty-thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose eleven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resigning or removal of the president, or any director, such vacancy or vacancies Commissioners to receive subscriptions. Election of directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Payment of instalments.

5. *And be it enacted*, That six directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct, and in case of the non-payment of said instalments, 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 the said corporation, and also shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with necessary turnouts, through Clinton and State streets, from the northeasterly to the westerly limits of the city of Trenton, with a branch or branches to the railroad depot or depots as the same now or hereafter may be, and such other branches in the streets of said city as may be deemed necessary; *provided*, the said railroad shall not be constructed through

Proviso.

any of said streets without the consent of the common council of the city of Trenton being first had and obtained by an ordinance of the common council; *and provided further*, that in crossing the railroad of "The Camden and Amboy Railroad and Transportation Company," the said railroad hereby authorized to be constructed shall be made at such intersections, on the level of that railroad, and the cuts in the rails thereof, and the crossings and connections, shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon. Proviso.

7. *And be it enacted*, That the rails used by the said company shall be of the pattern and shape now used by the Fifth and Sixth Street Passenger Railroad Company of the city of Philadelphia; that the track shall be of the same width as the wagon track now established by law, and said track and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the common council, so that said railroad shall not present any obstruction to or in any way interfere with wagons or vehicles turning in or crossing said street. Description of rails to be used.

8. *And be it enacted*, That the said company shall at all times maintain and keep in good repair from gutter to gutter the street through which said road may pass, and that no damages or other compensation shall be demanded or recovered from said company for the use of said streets or the right of way through the same either by the city or the land owners along said streets, other than the maintenance and repair of said streets as aforesaid; *provided*, that the said company shall be liable, as in other cases, for all damages done by them to private property. Company to keep streets through which the road may pass in repair.

9. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Trenton, not exceeding two acres at each place, or five acres in the aggregate, and may erect and What real estate may be held.

build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Dividends.

10. *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 the said railroad.

Company authorized to construct or purchase machinery, &c.

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

Proviso.

Penalty for injuring works.

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

Corporation authorized to borrow money.

13. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be

Proviso.

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.

Commencement and completion of road.

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

Approved March 9, 1859.

CHAPTER XCVIII.

A SUPPLEMENT to the act entitled "An act to incorporate the town of Bergen, in the county of Hudson," approved March twenty-fourth, eighteen hundred and fifty-five.

Preamble.

WHEREAS, doubts have been suggested whether, in case any assessment authorized to be made by the act aforesaid, has been, or shall be set aside, in whole or in part; it is lawful for the councilmen of the town of Bergen, to appoint again commissioners or freeholders, to make anew such assessment, so set aside; therefore to remove such doubts, and give additional power as hereinafter contained; therefore,

Proceedings in case assessment is set aside.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any assessment, or any estimate of value and damages, made by any commis-

sioners or freeholders, under the act to which this is a supplement, has been, or shall be set aside in whole or in part, by any court, or by the councilmen, or by any other lawful power or authority; it shall be lawful for the councilmen of the said town when duly convened, to appoint three discreet, impartial, and disinterested persons, resident and freeholders in the said town of Bergen, in the manner and with the like qualifications, as designated in the eighth section of the act, to which this is a supplement, and who shall take the oath prescribed in the said act; said freeholders so appointed, shall proceed to make such assessment anew, in whole or in part, as the case may require, which assessment shall include the expenses of the work done, and materials furnished, with interest thereon, and the expenses of making the said assessment, and also the expenses incident to the previous assessment or assessments set aside as aforesaid; such new assessment shall be made in the mode and manner, and upon the principles prescribed in the act to which this is a supplement, shall be confirmed by the councilmen, and shall be subject to appeal for relief as prescribed in the eighth section of the act to which this is a supplement.

New assessment to be a lien.

2. *And be it enacted*, That such new assessment shall be a lien as prescribed in the act to which this is a supplement; and shall be of the like operation and effect, and shall be enforced in the same way it would have been lawful to have enforced the said assessment, in case the same had not been set aside.

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

Approved March 9, 1859.

CHAPTER XCIX.

A SUPPLEMENT to an act entitled "An act to incorporate the Phœnix Manufacturing Company."

Amount of capital stock limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Phœnix Manufacturing Company be limited to the amount of stock now outstanding on the books of said company; and that all stock heretofore received by said company for debt, or owned by said company in its corporate capacity, be merged, and not again issued by the president and directors of said company.

Directors to be residents of state.

2. *And be it enacted*, That a majority of the directors of said company shall, hereafter, be residents of the state of New Jersey.

Place of meeting.

3. *And be it enacted*, That all the meetings of the board of directors of said company shall hereafter be held at the office of said company, in the city of Paterson.

Salary of president.

4. *And be it enacted*, That the annual salary of the president of said company shall not, from and after the first day of April next, exceed the sum of two thousand dollars per annum.

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

Approved March 10, 1859.

CHAPTER C.

AN ACT to amend "An act to incorporate the Hunterdon County Mining Company."

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "county mining" be stricken out wherever they occur in said act or its title, and the word "copper" inserted in lieu thereof; that the words "one hundred" and the words "ten dollars" be stricken from the fourth section, and the words "five hundred" and "fifty dollars," respectively, be substituted therefor.

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

Approved March 15, 1859.

CHAPTER CI.

A SUPPLEMENT to the act entitled "An act to alter and amend the charter of the borough of Bordentown, the city of Burlington, in the county of Burlington," and the borough of Hightstown, in the county of Mercer, to prevent non-resident auctioneers, from selling in said boroughs and city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person being a non-resident of the borough of Bordentown, or the city of Burlington, in the county of Burlington, or the borough of Hightstown, in the county of Mercer, in this state, shall follow, use or exercise, or through another for his or her benefit, the business or calling of an itinerant or local auctioneer, in said boroughs or city by selling at public sale, goods, wares or merchandise, not the growth or product of this state, without having first paid to the borough or city treasurers for the use of said boroughs or city the sum of twenty dollars for each day he, she or they shall so sell. Non-resident auctioneers to pay tax.

2. *And be it enacted*, That if any person being a non-resident as aforesaid, shall violate any of the provisions of the preceding section of this act, he, she or they, shall forfeit and pay for each and every day they shall so offend, the sum of fifty dollars, to be recovered with costs of suit, in an action of debt, commenced by summons or warrant, by any person who may sue for the same, the one half to the prosecutor, and the other half to the use of said boroughs or city, before any justice of the peace of any county in this state. Penalty for violating provisions of act.

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

Approved March 15, 1859.

CHAPTER CII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the town of Lambertville, in the township of West Amwell, in the county of Hunterdon," passed the first day of March, eighteen hundred and forty-nine.

Common council may take land for opening streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said town 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 district, lot or parcel, or tenement, by taking part of it for such purpose, subject to the provisions of the following section.

Proceedings in case of opening or widening streets.

2. *And be it enacted*, That when application shall be made in writing, by a majority of all the owners of lands lying on any street, for opening, altering or widening said street, the common council shall appoint a time when persons interested may be heard, giving ten days' public notice of the time and place; if the common council determine to open, alter or widen such street, there shall be three proper persons, residents of the town, appointed commissioners, who shall determine what lands and real estate will be benefited by said improvement, and shall estimate the costs of such improvement and cause a survey and map thereof, and of the land benefited thereby, to be made, and shall assess the costs upon said lands to be so benefited, in proportion to the benefit received thereby; they shall also estimate and report the value of lands taken for such improvement, and the erections thereon, and the damages done by taking the same, and shall report the names and interests of the owners thereof as far as can be, and shall file their report and map with the town clerk in one month after their appointment; and that it shall be the duty of

said common council, within one month after the presentation of said report, to cause a notice of the proportion of said assessment and costs to be served on every person, his or her guardian or legal representative, against whom the same is made and whose residence is in said town, and also to cause a like notice, directed to such of said persons as do not reside in said town, to be inserted in one or more of the newspapers of said town for the space of one month; and unless within sixty days after the filing of such report a majority of the owners in interest of said lands shall file with the town clerk a remonstrance, signed by them or their agents lawfully authorized, said common council shall proceed to make said improvements; but if such remonstrance shall be filed the common council shall proceed no further in such improvement under that application, as far as making assessments upon the land owners benefited thereby is concerned; and if no such remonstrance be filed, the report of said commissioners shall be final and conclusive, and the expenses of such improvements, including interest and costs of the proceedings shall be assessed upon the property reported as benefited thereby, and in the proportion set forth in such report; the said commissioners shall be appointed as follows, viz: one by the common council, one by the property holders through whose lands the proposed street is to run, and the said two commissioners so appointed to appoint the third; *provided*, that if the property holders, as aforesaid, refuse or neglect to appoint one commissioner, as aforesaid, for the space of thirty days, then the said common council shall appoint the other two commissioners. Proviso.

3. *And be it enacted*, That upon completing the report of the commissioners aforesaid, the town treasurer shall tender and pay to the owner or owners of said lands, if resident in the town, the amount of such assessment due to said owner or owners, but if such owner is absent or cannot be found, or is a lunatic, idiot, infant, or in any other way legally incapacitated to receive the same, or will not accept thereof, and sign a proper receipt therefor when tendered, Assessments, how paid.

the treasurer shall make affidavit of such facts and file the same with the clerk, whereupon the common council shall direct the amount of such assessment to be deposited in bank for the use of the person entitled thereto; and upon filing such receipt of the owner or owners, or the ordering of such deposit, the said land shall be vested in the town and said improvement may be proceeded with, the money so deposited shall be paid by the town to the person entitled thereto, on demand without interest, except from such time as a demand may be made and payment refused.

Proceedings of commissioners may be revised.

4. *And be it enacted*, That all assessments or estimates made by such commissioners 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 of this state, upon certiorari, and new commissioners may be appointed by said court to examine into and report anew as to the part set aside, said court may require the commissioners first appointed to certify as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose; in case of reversal, the town shall pay the costs on such certiorari, and add the same to the expenses of the improvements.

Commissioners to take oath.

5. *And be it enacted*, That all commissioners of assessments appointed by or under this act, shall before they proceed to their duties, subscribe and take an oath faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation as the said common council shall fix and ordain.

Assessments to be a lien.

6. *And be it enacted*, That the assessments and costs assessed to land owners for such improvements (unless a majority of the same file their remonstrance as aforesaid), shall be binding and conclusive and shall thence and until paid, be due from said several persons, with interest to said town, and be a lien on the land against which the same is assessed for the satisfaction of any judgment to be obtained therefor, and the said common council in the name of the "treasurer of the town of Lambertville," may sue and recover of each person so assessed his or her proportion

of said assessment, with interests and costs by action of debt in any court of competent jurisdiction; and if any such person reside out of the state an attachment may be resorted to as in other cases of non-resident debtors.

Common council may abandon improvement.

7. *And be it enacted*, That the said common council may at any time within three months from the presentation to them of said report of said commissioners determine to abandon such proposed improvement, and upon their so determining their right to take said lands, and the right of each owner to recover the valuation and damages thereof shall cease and determine.

Common council may by ordinance accept land for public street.

8. *And be it enacted*, That whenever the owners of any land wish to lay out a street or streets upon their lands, and will grant or convey the said lands to the town for such purpose, free of expense, and if the said common council of said town shall accept the same, by ordinance passed to that effect, then it shall be deemed a public street, as fully as if laid out according to law, and that hereafter no street shall be deemed to be a public street or highway unless the same is so declared by ordinance passed by the common council.

Office of overseer of highways abolished.

9. *And be it enacted*, That the office of overseer of the highways, is hereby abolished in said town, and that the street committee appointed by the common council shall have all the powers, and be subject to all the duties of overseer of the highways, as prescribed by the laws of this state.

Common council may hold real estate.

10. *And be it enacted*, That the common council of said town, shall have power to purchase and hold real estate, and to build, erect and maintain thereon a town house, public market house, town jail, common pound, and house for the use of the poor, and such other buildings as may be necessary for the objects of the corporation, and that the common council shall have power to borrow any sum of money, not exceeding five thousand dollars, for the purpose of purchasing said land and erecting said buildings thereon; *provided*, that before they purchase or erect any town house, public market house, town jail, or a house for

Proviso.

the use of the poor, they shall be authorized so to do, by a majority of the legal voters of said town, at an annual town meeting held in said town.

Common council may construct sewers.

11. *And be it enacted*, That the said common council shall have power and authority to enter upon any lands to cause to be constructed proper sewers for the drainage of said town, wherever there is a necessity for the same; under the same provisions and restrictions as are provided in this act for the opening, widening, altering of streets.

Former act amended.

12. *And be it enacted*, That in the second section of the act entitled "A further supplement to the act entitled 'An act to incorporate the town of Lambertville, in the township of West Amwell,'" passed the sixteenth day of March, eighteen hundred and fifty-eight, that the word "July" be stricken out, and the word "May" substituted in its stead.

Penalties for violation of ordinances.

13. *And be it enacted*, That the common council of said town may enact penalties for the violation of any ordinance, by imprisonment for any length of time not exceeding sixty days.

14. *And be it enacted*, That all taxes hereafter assessed in said town shall be chargeable with interest from and after the day on which they shall be returned by the collector as delinquents.

Taxes to be a lien.

15. *And be it enacted*, That all taxes which may be hereafter assessed upon any lands, tenements or real estate, in said town, shall be and remain a lien thereon for the space of two years from the date of the tax warrant, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or other encumbrance thereof; and that if the full amount of any such tax, with the interest and costs, shall not be paid and satisfied within sixty days from the date of such tax warrant, it shall and may be lawful for the common council to advertise and, if necessary, to sell said lands, tenements or real estate for the payment of said tax, interest, and all costs, charges and expenses, in the same manner as is prescribed by the laws of this state in cases where lands are assessed to persons residing out of this state.

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

Approved March 15, 1859.

CHAPTER CIII.

A SUPPLEMENT to an act entitled "An act respecting Apprentices and Servants."

Binding of apprentices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the binding by indenture mentioned in the first section of the act to which this is a supplement, may lawfully be made by the board of managers of the house of refuge incorporated by the state of Pennsylvania, and all such indentures, if in other respects conformable to the provisions of said act shall be deemed and held to be valid and effectual in law.

Bindings heretofore made to be valid.

2. *And be it enacted*, That all bindings heretofore made by the said board of managers are hereby declared valid and effectual in law.

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

Approved March 15, 1859.

CHAPTER CIV.

AN ACT to authorize the trustees of the first Presbyterian Church in the township of Woodbridge, county of Middlesex, to sell land.

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the first Presbyterian Church in the township of Woodbridge, county of Middlesex, are hereby authorized and empowered to sell, at public or private sale, all or any part of those lands, known as the parsonage lands of the said church, and which were conceded by the proprietors of East Jersey to John Pierson and others in trust, for the use of the minister for the time being; and to make and execute a good and sufficient deed or deeds for the same under the corporate seal of said church; *provided* nevertheless, that the written consent of all the trustees at the time of such conveyance be obtained.

Proceeds to be invested.

2. *And be it enacted*, That when such sale or sales shall be made, the proceeds received therefrom shall be invested in the name of the trustees upon bond and mortgage on unincumbered real estate, worth double the amount of such investment, and the interest *only* used towards the yearly expenses of said church, incurred for the preaching of the gospel.

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

Approved March 15, 1859.

CHAPTER CV.

AN ACT to regulate fishing in Manasquan river, in the counties of Monmouth and Ocean, and also Wreck Pond, in the county of Monmouth.

Description of seines to be used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, and it is hereby enacted by the authority of the same*, That from and after the passage of this act it shall not be lawful for any person or persons whomsoever to draw, set, or in any other manner use any seine or net, or anything in the nature of a seine or net, for the purpose of catching fish or otherwise, in Manasquan river in the counties of Monmouth and Ocean, and in Wreck Pond, in the county of Monmouth, the meshes whereof are less than one inch square.

Penalty for violating provisions of act.

2. *And be it enacted*, That any person or persons violating the provisions of this act shall be fined the sum of twenty dollars and cost of suit for each and every offence, to be recovered by action of debt, before any justice of the peace of the county in which the offence may be committed, one half thereof to go to the complainant and the other half towards the support of the poor of the township wherein which the offence is committed.

Boats and seines forfeited.

3. *And be it enacted*, That any persons offending against the provisions of this act, and being thereof convicted, shall forfeit all seines, boats and apparatus which may be found in their possession at the time of committing such offence, which shall be applied to the support of the poor of the township in which such offence is committed.

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

Approved March 15, 1859.

CHAPTER CVI.

AN ACT to authorize the New Brunswick Rubber Company to extend the time fixed in their certificate of association for the duration of said company.

Time of duration extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the New Brunswick Rubber Company, doing business in the city of New Brunswick, in the county of Middlesex, and state of New Jersey, to extend and limit the time fixed and limited in the certificate of association of said company, filed under 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, to and until the first day of January, one thousand eight hundred and eighty.

Certificate to be recorded and filed.

2. *And be it enacted*, That the time fixed in said certificate shall be so extended and limited by a majority of the directors of the said company, signing a certificate in these words, to wit: "The New Brunswick Rubber Company do hereby extend the time fixed in the certificate of association by them filed under 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, to and until the first day of January, one thousand eight hundred and eighty," and by having the said certificate, so to be signed, duly acknowledged and recorded in the clerk's office of the county of Middlesex aforesaid, and filed in the office of the secretary of state; and the said company, when the said certificate shall be so recorded and filed, shall be subject to all the liabilities and possessed of all the rights and powers now possessed by the said company.

Approved March 15, 1859.

CHAPTER CVII.

AN ACT to incorporate "the Flower Hill Cemetery Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Bonn, Michael Fisher, John Sturges, junior, John I. Earle, Frederick Gerhard, and Andrew Beck, junior, and their associates, and the survivors or survivor of them, their successors and assigns, and all persons who shall become owners of the stock of said company, their successors and assigns shall be and they are hereby created a body politic and corporate, by the name of the Flower Hill Cemetery Company, and by that name shall have perpetual succession, for the purpose of establishing, continuing, and improving a cemetery, or place for the burial of the dead, in the township of North Bergen, in the county of Hudson, in this state; and for that purpose, the said company may purchase and hold lands, not exceeding fifty acres, and inclose, survey, lay out, and divide the same into lots, roads, paths, and avenues, and erect and construct a chapel, vault, sexton's house, and other improvements thereon, and otherwise ornament the same, and sell and dispose of lots therein for the burial of the dead, and make and execute to the purchasers, good and sufficient deeds of conveyance therefor, under the common seal of said company, upon such conditions, limitations, and restrictions, and with such powers and privileges, as may be inserted in said deeds, and subject to such rules and regulations as may be made or provided, by the by-laws of said company.

Names of corporators.

General powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed seventy-five thousand dollars, and shall be applied in purchasing, improving, and ornamenting the lands of said company, and shall be divided into shares of twenty-five dollars each, and shall be subscribed for, and paid in at such time, in such manner, in such instal-

Amount of capital stock.

ments, and upon such notice as the said company by by-laws or otherwise may direct or appoint; and in case of failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned, and appointed for the payment thereof, such stockholders, if it shall so be provided by the by-laws, shall incur a forfeiture of his or her shares, and all previous payments to the use of said company.

Stock transferable.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; and that every share of stock shall be entitled to one vote, by the holder or holders thereof, which votes may be given in person or by proxy.

First directors.

4. *And be it enacted*, That the said John H. Bonn, Michael Fisher, John Sturges, junior, John I. Earle, Frederick Gerhard, and Andrew Beck, junior, and seven others to be chosen by them, shall be and are hereby appointed the first board of directors, to serve until the first Monday in October next, and until others shall be elected in their stead; and the said John H. Bonn shall be the president; and the said Michael Fisher shall be the treasurer; and the said Frederick Gerhard shall be the secretary of said company, until the said first Monday in October next, and until others shall be elected or appointed in their stead, and that the board of directors shall consist of such number as may be prescribed by the by-laws of the company.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors on the first Monday of October next and on the first Monday of October of each year thereafter, at such hour of said day, and such place, and upon such notice as shall be ordained by the by-laws, or otherwise appointed by said company; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved,

but such election shall be held at such other time and place, as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, to serve until the then next annual election of directors, and until another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board, or upon the call of the president.

No streets to be opened through lands.

6. *And be it enacted*, That no roads or streets shall hereafter be opened through the lands of said corporation, except by consent of the board of directors, and the burial vaults, lots, and other erections and fixtures in the said cemetery shall not be subject to any assessment, taxes, or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law whatsoever, except for incumbrances existing at or previous to the passage of this act.

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

Approved March 15, 1859.

CHAPTER CVIII.

AN ACT to incorporate the Middletown and Keyport 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 Middletown and Keyport Turnpike Company shall be opened by Edward Taylor, David Osborn, John B. Story, William Walling, Cornelius Hendrickson, Henry H. Seabrook and David Warner, or a majority, 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 newspaper published in the county of Monmouth.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege of increasing it to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, when two hundred or more 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 style of "The Middletown and Keyport 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 act into effect.

Payment of instalments.

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 instalments, at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give

public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company.

Act void if stock is not subscribed for in certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said subscription book, 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 by them.

Election of directors.

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

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective 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 to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president and directors, or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meeting, which said notice shall specify the particular object of the meeting; but that no business of

the company shall be transacted at such special meeting unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers of the proceedings of the company, to be exhibited to them by the president and directors.

Charter not void for failure to elect on day prescribed.

10. *And be it enacted*, That if from any cause an 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 held, 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.

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Middletown to Keyport, in the county of Monmouth, beginning at the road leading from Keyport to Holmdel, at or near Mechanicsville, thence by the most convenient and direct route to Middletown; which said turnpike road shall not exceed fifty feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than six 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 railing to be erected and maintained at the side 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 said turnpike road; and in case said owners

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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 the taking of stone or gravel, sand or clay, from his lands for the construction or maintaining of said turnpike road.

Proceedings in case company and owners cannot agree.

12. *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 with beasts of burthen 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 thereto as possible, repairing any breach they make in the inclosures 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 said 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 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 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 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 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 ex-

amine and appraise the said lands and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and 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 said lands and materials, and make a just and equitable appraisement of the value of the same and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make report thereof, under the hands and seals of 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 appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy of it, certified by the clerk of the 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, 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 interests 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 to 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, clerks, commissioners, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

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

For every carriage, sleigh, or sled, drawn by one beast, three-quarters of one cent.

For every additional beast, three-quarters of one cent.

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

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

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

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

Mile-stones or posts to be erected.

14. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile in use on said road; and on each post or stone shall be fairly and legibly marked the distance of the said post or stone from Keyport; 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 tolls which may be lawfully demanded, and also a board, on which shall be painted in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

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

Penalty for taking illegal tolls.

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

Penalty for obstructing passage.

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

Proceedings in case road and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Monmouth, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view said road, and report in writing

under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travellers, he shall, for each offence, forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from the said company, again to view the said road or bridge, 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 to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed and paid by the person or persons making the complaint.

When gates may be erected.

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

Corporation may use public road.

20. *And be it enacted*, That the said corporation may use any portion of the public roads on the route above named, by and with the consent of two-thirds of all the landholders along or on the route of said road; and if the owners of

such lands refuse their consent, then and in that case, such road or roads shall be first vacated according to law.

21. *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; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations." Commencement and completion of road.

Approved March 15, 1859.

CHAPTER CIX.

AN ACT to incorporate The Orange and Newark Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Pierson, Benjamin F. Barrett, James Tripple, James R. Gilmore, Lowell Mason, jr., Ira M. Harrison, Nehemiah Perry, Martin R. Dennis, and John C. Dernman, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "The Orange and Newark Horse Car Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tene- Names of corporators.

ments, goods, and chattels whatsoever, necessary or expedient for the objects of this corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to three 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.

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 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 two of the newspapers published in the county of Essex, and if more than one hundred thousand dollars of stock be subscribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

First directors.

4. *And be it enacted*, That at the time of subscribing for said stock ten 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 twenty-five thousand dollars of the capital stock is subscribed for, the said company shall be organized by the said commissioners, who shall be the first directors of said company, and continue as such directors until such time in the year eighteen hundred and sixty as the said company, by their by-laws, may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed, and the directors chosen at every annual election of said company, shall 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 a majority of

the said directors, and in the absence of the said president, a majority of the said directors may appoint a president *pro tempore*, who shall have such powers and functions as the by-laws of the said company shall provide.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That the number of the directors of said company shall be nine, 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 two of the 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 instalments.

6. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of the said corporation, and shall have power to call in the remaining stock of said company by such instalments, 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 instalment shall exceed ten dollars on each share, and that no two instalments shall be required to be paid within thirty days of each other; and in case of the non-payment of said instalments, or any one 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.

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Company authorized to construct road.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and

invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the township of Orange, in the county of Essex, to some suitable point in Orange street or some street north of said street or south of Market street, in the city of Newark, with one or more branches in the township of Orange, and to locate and construct said railroad, not exceeding one hundred feet in width; 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 for the purpose of exploring, levelling, 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, 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, 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 for.

Rails not to be laid in streets without permission.

8. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Newark, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as the said common council may designate, to lay the same; and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the town-

ship of Orange, the said company shall not lay any rails along such highway without first obtaining the consent in writing of the township committee, surveyors of the highways, and chosen freeholders 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 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 in which the said road may be located; and that the track of said road shall be restricted to the run or track of wagons, as now established by law of this state.

Proceedings in case company and owners cannot agree.

9. *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 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 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 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 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 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 the damages to be paid by the said company, which 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 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, clerk, 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.

10. *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 the filing of 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 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, 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,

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upon tender thereof being made, to receive the same, or shall be out of this state or under any legal disability, then payment of the amount assessed or found as aforesaid into the 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 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 by a viaduct at such a height as not to interfere with the passage of the trains upon such other railroad.

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Company may cross other roads.

11. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said company shall restore to such road or highway to such state or condition as not to impair its usefulness.

Rates of transportation.

12. *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 reasonable, expedient, or right, but that no steam power shall be used in passing on or over any public road or highway, without the permission of the public authorities of the city or township before mentioned; 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 eight cents per ton per mile for the transportation of every species of heavy merchandise, and goods usually weighed

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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 road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation 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 travelling by the company, in the same manner as the carriages of the company are, and the said railroad and its appendages and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company after the road is completed, shall abandon the same, or cease to use and keep it in repair for one successive year, in the city of Newark, that the charter shall be annulled so far as it affects said city, and the common council may remove the same, and appropriate enough of the materials thereof to defray the expense of such removal, and for repairing said street or streets; that then and in that case this charter shall be annulled, and the title of the land over which the said railroad is located shall be reverted in the person or persons who would have been legally entitled thereto if the 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 personal property of the company, and shall be by them removed and disposed of within a reasonable time to and for the use of the said company.

Proviso.

Proviso.

Dividends.

13. *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.

What real estate may be held.

14. *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 five acres in each place, and may erect and build thereupon depots, warehouses, 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.

Penalty for injuring works.

15. *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.

Annual tax to be paid.

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road; and as soon as the said company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company

shall pay to the treasurer of this state a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. Proviso.

17. *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 company with all necessary rails, buildings, cars, vehicles and animals, for the use and object of the aid 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; *provided*, *however*, that the said company shall not plead the statute of usury in consequence thereof. Company may borrow money. Proviso.

18. *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 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. Corporation may make contracts with other companies.

19. *And be it enacted*, That if the said railroad is 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. Commencement and completion of road.

20. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved the fourteenth day of Limitation.

February, eighteen hundred and forty-six, and the acts supplementary thereto, and amendatory thereof, so far as the same are applicable, and that this act shall go into effect immediately, and shall continue in force for twenty years.

Approved March 15, 1859.

CHAPTER CX.

AN ACT to incorporate the Lambertville Iron Company.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ingham Coryell, John Runk, Philip Boroughs, James D. Stryker, Charles Moore, Liscomb R. Titus, Thomas B. Carr, William McCready, Charles A. Skillman, Nelson Large, Jonas Simmons, and Harman H. Titus, 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 of "The Lambertville Iron Company," for the purpose of carrying on a general manufacturing business, including edge and other tools, and any other articles or machinery of which iron or steel forms the principal ingredient; also a general foundry business, including castings for stoves, buildings, steam engines, mill gearing, car wheels, and all or any branch of

the foundry business, in the town of Lambertville, in the county of Hunterdon.

2. *And be it enacted*, That the said corporation may rent or purchase and hold such water privileges, machinery and effects as may be needed for carrying on their said business, and may purchase and hold such real estate as may be required for the purposes of the said corporation, not exceeding five acres, and may dispose of the same and all other real estate which shall have been bona fide mortgaged to the said company by way of security or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall be obtained for such debts. What property may be held.

3. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by seven directors, of whom a majority shall be residents of this state, being stockholders, one of whom shall be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Monday in February in every year, at such time and place as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers published in said county of Hunterdon, and in one or more newspapers published in the city of Trenton, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he shall hold shares of the capital stock of the said company; *provided*, no stockholder shall have more than one hundred votes; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been held; and the directors so chosen shall appoint clerks 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 Election of directors. Proviso.

the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, and until other directors are chosen from the stockholders; and the first directors shall be John Runk, James D. Stryker, Ingham Coryell, Thomas B. Carr, Charles A. Skillman, Liscomb R. Titus, and William McCready, and the survivors of them, who shall hold their office until the first Monday in February anno domini eighteen hundred and sixty, or until others are legally chosen.

First directors.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars ($100,000), which shall be divided into shares of fifty dollars each; but as soon as the sum of twenty thousand dollars of said capital stock shall have been subscribed and paid (in cash or its equivalent), 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 it shall be lawful for the directors of said company to call and demand from the said stockholders all sums of money by them subscribed at such times and in such proportions as they may 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 payment shall not be made within thirty days after a notice shall have been published for thirty days in one or more newspapers published in the said county of Hunterdon, and in one or more newspapers published in said city of Trenton.

Stock transferable.

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

Proviso.

that no dividends shall be made to or among the stockholders except from out of the net profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

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

Stockholders may make by-laws.

7. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of the business of said corporation; the stockholders, or a majority of them, at any regular or lawful meeting, 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 concern of the said corporation; *provided*, that the same are not contrary to the constitution of the United States or of this state.

Proviso.

Books of accounts 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 entered all the transactions of the said corporation, which shall be at all times open to the inspection of the stockholders, and all creditors of the said corporation, or their legal attorney or attorneys, and further that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president for that purpose.

Limitation.

9. *And be it enacted*, That this act shall continue and be in force for the space of thirty years, and shall be subject to amendment or repeal when the public good may require it.

Approved March 15, 1859.

CHAPTER CXI.

SUPPLEMENT to an act entitled "An act to authorize the inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Hamilton, in the county of Mercer, and of the township of Clinton, in the county of Essex, to vote by ballot at their town meetings," approved March twenty-eighth, eighteen hundred and forty-five.

Provisions of former 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 act is a supplement be and they are hereby made applicable to the township of Milburn, in the county of Essex, and the inhabitants of the said township of Milburn are required to be governed by the provisions of the said act at their annual town meetings.

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

Approved March 15, 1859.

CHAPTER CXII.

AN ACT to incorporate the Rahway Fire Department.

Department incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, And it is hereby enacted by the authority of the same, that all such persons as now are, or hereafter shall be engineers of the fire department, and fire wardens, together with all firemen belonging to any of the fire engines, hook and ladder, or hose companies, and the officers hereinafter named, shall be, and hereby are created, constituted and declared to be and continue until the first day of February, one thousand eight hundred and seventy-nine, a body politic, in fact and in name, by the name of "The Rahway Fire Department," and by that name, they and their successors for the term aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of "The Rahway Fire Department," shall be in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, that the amount of real and personal estate of said corporation shall not at any time exceed the sum of twenty thousand dollars.

General powers.

Proviso.

Election of representatives.

2. *And be it enacted*, That the engineers, belonging to the fire department, shall, on or before the second Monday in December in every year, choose one representative, the fire wardens one representative, each engine, hook and ladder or hose company, comprised of eighteen men and upwards, two representatives, and under eighteen men one representative, who shall have and exercise all such powers as are hereinafter committed to them.

First officers of department.

3. *And be it enacted*, That the said representatives shall choose on the third Monday of December in every year, by ballot, out of the whole body of firemen, and the officers hereinafter named, a president and vice president, three trustees, a treasurer, secretary and collector; the first representatives shall be John B. Price, John J. High, James A. Calhoun, Milan Ross, Joseph Gatchell, Robert Morrison, Almeth White, Dunham Parker, James P. Phillips, Robert W. Moore, Theophilus L. Houghton, and Isaac Longstreet; the first trustees shall be James P. Phillips, Joseph Gatchell and Milan Ross; James A. Calhoun shall be the first president; Almeth White the first vice president; Robert W. Moore first secretary; John J. High first treasurer, and Enoch M. Ayres first collector, to hold their respective offices and places until others are appointed agreeably to the provisions of this act; that said trustees shall be classed into three classes, the first class shall go out of office the first year, the second class the second year, and the third class the third year; that the trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of said corporation from time to time made and established by the representatives; that the trustees shall choose a president, who shall convene them when he may think proper, at least twice in each year; that the treasurer and collector shall give security to the trustees for the faithful performance of their trust; that the treasurer shall, at every annual meeting of the representatives, render to them an account of the funds; that the representatives shall, at any meeting, have a right to inquire into and control the application of the funds, and to displace any of the trustees and officers, if judged by them guilty of misconduct, and elect others in their places; that a majority of said representatives, and also of said trustees, shall respectively be a quorum to do business; that in case a vacancy shall occur in the office of representatives, such vacancy shall be filled by the company to which he belongs, for the remainder of the year, by a special election to be held for that purpose; and that in

Trustees to be divided into classes.

Vacancies.

case of vacancy in the office of president, vice president, treasurer, secretary, collector, or any of the trustees, shall be filled up by the representatives, for the remainder of the year, by a special election to be held for that purpose.

Representatives to make by-laws, &c.

4. *And be it enacted*, That the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations, as to them from time to time shall appear needful and proper in respect to the management and disposition of the funds for the purposes aforesaid, and touching the meetings of said corporation, both special and ordinary, except the third Monday in December in every year, which is hereby declared to be the annual meeting, and touching the duty and conduct of their officers and trustees, and touching all such other matters as appertain to the business and purpose for which the said corporation is by this act instituted, and for no other purpose whatever; *provided*, such by-laws, rules, ordinances or regulations be not repugnant to the constitution or laws of the United States or of this state.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case any election shall not be made on the day when, pursuant to this act, it should have been made, the corporation shall not on that account be considered to be dissolved, but that it shall and may be lawful on any other day to hold and make such election in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Appropriation of funds.

6. *And be it enacted*, That the funds of said corporation 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 city, and donations and such other moneys as may have been heretofore, or may hereafter be agreed upon by the representatives, shall be appropriated to the relief of such indigent or disabled firemen, or their families, as may be interested in the same, and who may, in the opinion of a majority of the trustees, be worthy of assistance; but if they shall amount to a greater sum than the trustees shall think necessary to apply to said purposes, then the said representatives shall

have power to apply such surplus to the purpose of extinguishing fires, under such limitations and restrictions as they may with the sanction of the corporation of the city of Rahway deem proper.

Bonds to be given to treasurer of Fire Department.

7. *And be it enacted*, That the bond mentioned in the several sections of the act entitled "An act relative to insurance companies," revision approved April fifteenth, eighteen hundred and forty-six, and therein required to be given to the collector of the county, shall hereafter be given by any person or persons residing within the city of Rahway, and who may be required by the said act to give such bond to the treasurer for the time being of the fire department of the city of Rahway, instead of the collector of the county of Middlesex, or the county of Union, as the case may require, and that said bond shall in all respects conform to the provisions of the said act, except as hereinbefore stated, and that all duties enjoined by said act upon the collector of either of said counties of Middlesex and Union, so far as the same relates to persons residing within the city of Rahway, shall hereafter be performed by the treasurer for the time being of the "fire department" of the city of Rahway.

Members exempt from jury duty.

8. *And be it enacted*, That every person now a member of the fire companies of the city of Rahway, and who shall continue in such service for the term of seven years, and every person who may become such fireman after the passage of this act, and shall serve as such for seven years thereafter, shall, during and forever after such service, be exempted from serving as a juror in any of the courts of this state, and from all militia duty except in cases of war, invasion or insurrection.

Former act repealed.

9. *And be it enacted*, That any act inconsistent with the provisions of the last above section, so far as relates to the aforesaid city of Rahway, be and the same is hereby repealed.

Funds not to be used in banking.

10. *And be it enacted*, That no part of the funds of the said company shall be appropriated or used for banking or other purposes not plainly indicated by this act, and that

the legislature may, at any time hereafter, modify, amend or repeal this act.

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

Approved March 15, 1859.

CHAPTER CXIII.

AN ACT to authorize and require the inhabitants of the township of Montague, township of Byram, in the county of Sussex, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Montague and township of Byram, in the county of Sussex, authorized by law, to vote at their town meetings, are hereby authorized and required to elect by ballot and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now, or hereafter may be fixed by law, that is, in the said townships, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the roads as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the

Officers to be elected by ballot.

peace as the respective townships may be constitutionally entitled to elect, one or more constables, and all such other officers as the inhabitants of the said townships now are or hereafter may be authorized to elect; and shall also upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads and all other money necessary for township purposes, and shall upon the same ballot designate the place for holding the next town meeting.

Officers of election.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace in the said townships, shall be and are hereby authorized and required to receive and canvass at the time and in the same manner, the votes for the several township officers as aforesaid, and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided*, however, that when no justice, or justices of the peace are to be elected, it shall be lawful for the officers aforesaid, to open the polls at nine o'clock A. M. and close the same at four o'clock P. M. the same day.

Proviso.

Town committee to fill vacancies, &c.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meeting, of the state and county election, and to determine an amount of money to be raised or specified, and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting, or state and county election, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the town committee shall at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable, and in that case shall have power to call such special town meeting as now provided by law.

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

Approved March 15, 1859.

CHAPTER CXIV.

AN ACT for the relief of the Mount Hope Cemetery Association of Lambertville, incorporated February seventeenth, eighteen hundred and forty-eight.

Association may hold land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Mount Hope Cemetery Association be and they are hereby authorized and permitted to purchase and hold any quantity of land not exceeding fifteen acres, any provision in the act by which they were incorporated to the contrary notwithstanding.

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

Approved March 15, 1859.

CHAPTER CXV.

AN ACT for the relief of Abraham A. Vansycle, of the county of Sussex.

Pension to A. A. Vansycle of $50 per annum.

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 Abraham A. Vansycle, of the county of Sussex, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of fifty dollars per annum, during the term of his natural life, in equal semi-annual payments of twenty-five dollars each, the first payment to be made on the first day of July next.

Approved March 15, 1859.

CHAPTER CXVI.

AN ACT to incorporate the Kaighn's Point and Philadelphia Ferry Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Kaighn, Stephen Coulter, Joel Bodine, Genge Browning, Henry Allen, John Cooper, Charles Kaighn, and their associates, and all other persons who shall become subscribers and owners of the

capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Kaighn's Point and Philadelphia Ferry Company."

Amount of capital stock.

2. *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 shall be subscribed for and paid in at such time or times, in such manner, and in such instalment or instalments and upon such notice, as the said company may, by their by-laws or otherwise, direct or appoint; and in case of a failure by a stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said company.

Stock transferable.

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

First directors.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors; John M. Kaighn, Stephen Coulter, Joel Bodine, Genge Browning, Henry Allen, John Cooper, and Charles Kaighn, are hereby appointed the first directors, who shall serve until the Second Monday in January next and until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passage of this act, and appoint one of their number to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding meet-

ing, shall appoint a director to fill such vacancy until the next annual election; *provided always*, that no person shall be a director who is not a stockholder, and at least four of the said directors shall be citizens of the state of New Jersey.

Proviso.

Annual election of directors.

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

Company authorized to erect ferry.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry between Kaighn's Point, in the city of Camden, and Philadelphia, at such

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

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

For each passenger, five cents.

Single passengers, in wherry, ten cents.

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

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

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

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

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

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

Flour, beef, pork, iron, &c., per hundred weight, three cents.

Coffee per bag, chest, large trunk, &c., five cents.

Soap, candles, glass, chocolate, &c., per box, three cents.

Windsor chairs, per dozen, bureau, bedstead, clock case, &c., ten cents.

Lumber, per hundred feet, ten cents.

Live calves and fat hogs, per head, five cents.

Sheep and store hogs, per head, three cents.

Fat cattle, twenty-five cents.

Cow and calf, twenty cents.

Store cattle, horses, mules, &c., fifteen cents.

Sideboard, twenty cents.

Desks, secretaries, &c., fifteen cents.

Tables, stands, feather beds, mattresses, large chests of tea, five cents.

Crate or tierce of earthenware, hamper of bottles, fifteen cents.

Fresh shad per hundred, or herrings per thousand, twenty cents.

CARRIAGES AND DRIVERS.

Every four wheel carriage drawn by four horses, sixty cents.

Every four wheel carriage drawn by two horses, thirty cents.

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

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

Every two wheel carriage drawn by one horse, twenty cents.

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

Four wheels, drawn by one horse, twenty cents.

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

Carriages of burthen, to include charcoal, tin wagons, peddlers, &c., with their drivers, two loads, thirty-five cents.

Unloaded, twenty-five cents.

One horse load, twenty-five cents.

Far carrying hay, straw, hemp, flax, and other bulky articles, two horse load, fifty cents.

Unloaded, thirty cents.

One horse load, forty cents.

Unloaded, twenty cents.

Each additional horse or mule, fifteen cents.

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

Charity schools, with their teachers, to pass free.

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

Semi-annual dividends.

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

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the

peace of the county of Camden, or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered, in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Company may borrow money.

10. *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 build new boats, or to repair their boats, slips, or buildings, and to secure the payment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said ferry, landings, boats, privileges, franchises, and appurtenances of, and belonging to said ferry company, such bond, or bonds, to draw interest not exceeding eight per cent. per annum; *provided always*, that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of said company.

Proviso.

Limitation.

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

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

Approved March 15, 1859.

CHAPTER CXVII.

AN ACT to continue the act entitled "An act to establish a State Normal School."

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 State Normal School," approved February ninth, in the year of our Lord one thousand eight hundred and fifty-five, be and the same is hereby extended and continued for the term of five years from the time by the said act limited for its continuance. Former act extended.

Approved March 15, 1859.

CHAPTER CXVIII.

AN ACT to incorporate the North and South Camden Passenger Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Kaighn, Joseph W. Cooper, Richard Fetters, Samuel Andrews, Isaac H. Porter, Charles E. French, William D. Cooper, John Smith, Jr., Thomas McKeen, Philip J. Gray, James B. Dayton, and such other persons as may be hereafter associated with Names of corporators.

them, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of the "North and South Camden Passenger Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the said corporation.

Amount of capital stock.

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

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

Corporation not dissolved for failure to elect on day prescribed.

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

Payment of instalments.

5. *And be it enacted*, That six directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such instalments, and at such times as they may direct, and in case of the non-payment of said instalments, 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 the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

New Jersey State Library

Company authorized to construct road.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with one track, from the intersection of State and Front streets near Cooper's Point, southerly along Front street to Federal street; thence up Federal street to its junction with the river road; thence down said road to its intersection with Mechanic street, near Kaighn's Point; thence up Mechanic street to Second street; thence northerly along Second street to Market; thence easterly along Market to Third street; thence northerly along Third street to Line street; thence westerly down Line street to Third street of North Camden; thence northerly along said Third street to Federal street; thence westerly down Federal to Second street; thence northerly along Second street to State street; and thence down State street to the place of beginning; *provided*, that the said railroad shall be constructed along said streets only by the consent of the city council of Camden first had and obtained, according to its directions, and upon the terms prescribed by the said council, and that the said corporation shall maintain and keep in good repair the said streets where said railroad passes, for at least ten feet in width along the track of said railroad; *and provided further*, that in crossing the railroad of "The Camden and Amboy Railroad and Transportation or other Railroad Company," the said railroad hereby authorized to be constructed, shall be made at such intersections, on the level of said railroad or railroads, and the cuts in the rails thereof, and the crossings and connections, shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

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Company may hold real estate.

7. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Camden, not exceeding one acre at each place, or three acres in the aggregate; and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction

of carriages, and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Dividends.

8. *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 the said railroad.

Rates for persons and property.

9. *And be it enacted*, That the president and directors of said corporation shall have power to have constructed, or to purchase with the funds of said corporation, all such machinery, engines, horses, cars, wagons, carriages, or other vehicles for the transportation of persons or any species of property on railroads as they may think fit, reasonable, expedient or right; but no steam power shall be used as a motive or propelling power on said railroad; 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 may think reasonable and proper; *provided*, that not more than five cents shall be demanded or received for conveying any person from any one point to another on said road.

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Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of said railroad, or any of its necessary works, carriages, or machines, such person so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further shall be liable for all damages.

Corporation 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 build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *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,

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instituted to enforce the payment of any bond or mortgage executed under this section.

Commencement and completion of road.

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

Approved March 15, 1859.

CHAPTER CXIX.

A SUPPLEMENT to the act entitled "An act to incorporate the Ramapo and Weehawken Plank Road Company," approved March eleventh, eighteen hundred and fifty-three.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said road way, authorized to be constructed by said act, of plank, may be McAdamized, or formed, bedded, and faced with stone, gravel, plank, or other hard material to make a firm, solid, and even road at all seasons of the year, and shall not rise more than eight degrees with the plane of the horizon; and the further period of two years is granted said company from the passage of this supplement to complete three miles of said road, as provided by said act; and all parts of said act is hereby extended and renewed, except where inconsistent

with this supplement, and all such provisions are hereby repealed.

Approved March 15, 1859.

CHAPTER CXX.

AN ACT to protect keepers of hotels, inns, and boarding houses, at the city of Cape Island.

Proprietors not liable if property is not deposited in safe.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the proprietor or proprietors of any hotel, inn, or boarding house at the city of Cape Island, in the county of Cape May, shall provide a good, sufficient, and secure safe in such hotel, inn, or boarding house, or other convenient place, for the safe keeping of any money, goods, jewelry, and valuables belonging to the guests and boarders of such hotel, inn, or boarding house, and shall notify the guests and boarders thereof, by placing in their lodging rooms, and in the parlor, public hall, and other conspicuous places therein, printed cards or notices, stating the fact that such safe is provided, in which such money, goods, jewelry, and valuables may be deposited, and that the proprietors thereof will not be responsible for said money, goods, jewelry, and valuables, unless deposited in said safe; and if any such guest or boarder shall neglect to deposit such money, goods, jewelry, or valuables, in such safe, then the proprietor or proprietors

aforesaid shall not be liable for any loss of such money, goods, jewelry, or valuables, by theft or otherwise; *provided*, that nothing herein contained shall apply to such an amount of money, and said articles of goods, jewelry, and valuables, as is usual and prudent for any such guest or boarder to retain in his room or about his person.

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Proprietors not liable for baggage if rooms are not locked.

2. *And be it enacted*, That whenever the proprietor or proprietors of any hotel, inn, or boarding house, at the city aforesaid, shall post in a conspicuous manner as aforesaid notices requesting the guests and boarders thereof to bolt or lock the door of the room or rooms occupied by them, or in leaving such room or rooms to lock the door thereof, and deposit the key or keys with the proprietor or proprietors, or with the clerk, bar-tender, or other superintendent; and if any such guest or boarder shall neglect so to do, then the proprietor or proprietors aforesaid shall not be liable for any baggage or other goods or money of such guest or boarder, which may be lost or stolen from such room or rooms; *provided*, that such proprietor or proprietors shall establish the fact of such room or rooms having been left unbolted or unlocked by said guest or boarder at the time such baggage or other goods or money was lost or stolen as aforesaid.

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Approved March 15, 1859.

CHAPTER CXXI.

A SUPPLEMENT to an act entitled "An act to authorize limited partnerships."

Special partners may loan money to, and pay money for partnership.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any special partner may from time to time loan money to, and advance and pay money for the partnership with which he is connected, and may take and hold the notes, drafts, acceptances, and bonds of, or belonging to the partnership, as security for the repayment of such moneys and interest, and may use and lend his name and credit as security for the partnership, in any business thereof, and shall have the same rights and remedies in these respects as any other creditor might have; he may also negotiate sales, purchases, and other business for the partnership, but no business so negotiated shall be binding upon the partnership until approved by a general partner, but he shall not, excepting as mentioned herein, and in the act to which this is a supplement, transact any business on account of the partnership, nor be employed for that purpose as agent, attorney, or otherwise; and if he shall interfere contrary to these provisions, unless specially employed in writing, so to do, by the general partner or partners, he shall be deemed a general partner.

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

Approved March 15, 1859.

CHAPTER CXXII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Jersey City Gas Light Company."

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Jersey City Gas Light Company shall be changed to the Jersey City and Hoboken Gas Light Company: that the directors of said company shall have power to increase the capital stock thereof to the amount of five hundred thousand dollars: that they shall have privilege to lay down their gas pipes and erect gas posts, burners and reflectors on all piers and wharfs that are now built or may be built in Jersey City and Hoboken: that they shall have the power to purchase and consolidate the Hudson and Bergen Gas Light Company into the Jersey City and Hoboken Gas Light Company, and thereupon to maintain, continue and extend the gas pipes, gas posts, burners, and reflectors in the streets, alleys, lanes, avenues and public grounds of Hudson city, the town of Bergen and vicinity, and to make and sell gas for the purpose of lighting the streets, buildings, manufactories, and other places situated in Hudson city, the town of Bergen and vicinity; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lanes and avenues shall not be injured, but shall be left in as good condition as before laying of the said pipes or erection of said posts.

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Gas not to be refused on account of non-payment by former tenant.

2. *And be it enacted*, That the said company shall provide and furnish to any person or persons, corporation or companies body politic, the gas by them manufactured, who are willing to comply with the by-laws of the said company, and that said company shall not refuse to furnish such gas to any person, corporation or company as aforesaid, desir-

ous of consuming the same, on account of the non-payment of any sum or sums of money due to them for gas, from any person or persons, corporations or company, body or bodies politic, who shall have formerly occupied the premises or any part thereof upon which such gas shall be required.

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

Approved March 15, 1859.

CHAPTER CXXIII.

A SUPPLEMENT to an act entitled "An act to establish the city of Elizabeth."

Commissioners to lay out lines of streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*—Whereas, there are several roads, highways and streets within the city of Elizabeth, the lines of which are not and cannot be certainly ascertained, by reason of the loss of the old surveys, plots, maps and marks thereof; for the better fixing upon and settling the lines and courses of said roads, highways and streets, the city council of said city shall and may appoint, from time to time, three disinterested freeholders of said city as commissioners, who shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway as are not and have not been

ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines of any such street, road or highway within said city, and shall make a full and clear map or profile of said street, road or highway, or such part thereof as they shall run, mark and lay out, designating by permanent marks, or monuments, the beginnings and endings of said street or part thereof as aforesaid; which said map or profile, upon being certified by them, or a majority of them, under their hands, and subsequently ratified by the city council, shall be recorded or filed in the office of the city clerk, and shall thereupon be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses, as hereinafter provided;

Proviso. *provided*, that private property shall not be taken without compensation to the owners; and said commissioners shall receive such compensation as the city council may order.

City council may lay out streets, &c.

2. *And be it enacted*, That the city council may lay out and open any street, road, highway or alley, or park, in any part of said city, and cause any street, road, highway or alley already laid out, or which shall be hereafter laid out, to be vacated, altered, widened or straightened; and to take and appropriate for such purpose any lands and real estate upon making such compensation to the owners as is hereinafter provided; said city council may likewise cause sewers or drains to be constructed in any part of said city, and, if necessary, take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter provided; and said city council may also order and cause any street, or section of a street, within the lamp and watch district of said city, to be graded, gravelled, paved or macadamized in such manner as they may deem advisable, at the expense of the owners of lands and real estate on

Proviso. the line of said street or section of a street; *provided*, that, after any street, or section of a street, shall be once entirely graded, gravelled, paved or macadamized at the expense of

the owners of property as aforesaid, the city council shall take charge of and keep the same in repair, without further exclusive assessment on the property on such street, or section of a street; *provided also*, that all or any of the aforesaid improvements shall be made, or work done, only on the application, in writing to said council, of a majority of the resident owners of property lying along any street or streets, or sections thereof, on which such improvement is to be made or work done; *provided also*, that before the city council shall determine that such improvement is to be made or work done, they shall give notice in a newspaper printed and published in the city of Elizabeth, by advertisement for at least two weeks, briefly describing such work, road, alley, park or improvement, and requesting all persons who may object thereto, or be interested therein, to appear in person or by agent before the city council, or their committee, at a time and place to be designated therein, to be heard in reference thereto; *provided also*, that the like notice shall be served on each owner of land upon or before which said improvement is to be made or work done, or by leaving a copy thereof at his or her residence if they reside within the city of Elizabeth, at least ten days before the time appointed, or, if non-residents, then by placing the said notice in the post-office directed to their address, if known, at least ten days before the time appointed; *provided also*, that if the owner's residence is not known, then the notice by public advertisement, afore provided, shall be deemed sufficient.

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3. *And be it enacted*, That whenever the city council shall determine to lay out and open any street, road, highway, alley or public park, or square, within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and may purchase the same, and make such compensation therefor as they shall judge reasonable; and shall thereupon receive from

Compensation to be made for lands taken.

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 section eight of this act.

Proceedings in case city council and owners cannot agree.

4. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be the duty of the mayor to appoint, with the approval of the city council, five disinterested freeholders of said city, as near as may be one from each ward, commissioners to make an estimate of the land to be taken, and also assessment of the damages any such owner or owners will sustain by taking and appropriating in the manner aforesaid such lands and real estate, and estimating and in assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate and to the injury or benefit to the owner or owners thereof by making such improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement under and in pursuance of the provisions of section eight of this act; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any graveyard, burial-ground, or place used for burying the dead, for streets, roads, highways or alleys without the consent of all the owners or proprietors thereof.

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Meeting of commissioners.

5. *And be it enacted*, That it shall be the duty of the mayor, on making such appointment as aforesaid, to designate a time and place for the meeting of the commissioners, not less than two weeks from the date of such appointment, of which time and place of their first meeting,

he shall give public notice by advertisement for two weeks previously in one or more of the city newspapers, and also, a written notice shall be served upon the persons interested, by leaving the same at their residence at least five days previous to said meeting, if within said city, or if they are non-residents, by placing the said notice in the post-office directed to their address, or if said address is not known, then such advertisement shall be sufficient, and the said commissioners shall, before they enter upon the execution of the duty required of them, severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment, and the said commissioners, or a majority of them, when met, shall have power to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they deem it necessary, and to adjourn from time to time; and they shall make a just and true estimate and assessment as aforesaid, make and sign a report of the same, and file the same with the city clerk, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said city council, upon payment of the damages so awarded or a tender and refusal thereof, shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings under this section of the said city council, or of the said commissioners, may appeal therefrom to the circuit court of the county, within sixty days from the time of making the final order of the city council, and the circuit 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.

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6. *And be it enacted*, That in cases of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case

Suits may be brought in cases of non-payment of damages.

of no appeal to the circuit court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city, in an action on the case, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and the city council, or the verdict of said jury, as the case may be, shall be conclusive evidence against the defendant.

Payment of damages to non-residents, &c.

7. *And be it enacted*, That the city treasurer shall, under the direction of the city council, tender and pay to the owner or owners of such lands and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him, her or them; but if any such owner is not a resident in this city, or is a lunatic or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts and file the same with the city clerk; and the city council shall cause the amount to be placed at interest on good security, for the use of the person to whom it may be due.

Assessment of damages and expenses to be made.

8. *And be it enacted*, That in order to provide for the payment of the value of the land, costs, damages, and expenses of laying out and opening, altering, widening, or straightening any street, road, highway or alley within said city, under the provisions of the second section of this act, the city council shall ascertain the whole amount of such valuation costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; that in order to provide for the payment of the cost, damages and expenses of laying out, opening or grading any public park or square within said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of such amount upon the owners of all the lands and real estate benefited thereby

in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain in any part of said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and that in order to provide for the payment of the costs and expenses of grading, gravelling, paving or macadamizing any street, or section of a street, said city council shall ascertain the whole amount of such costs and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owner or owners of lands and real estate upon the line of said street, or section of a street so graded, gravelled, paved or macadamized; *provided*, that the person or persons feeling aggrieved shall have the right of appeal as specified in section five. Proviso.

9. *And be it enacted*, That in all cases of the appointment of commissioners under the fourth section of this act, it shall be the duty of same commissioners, upon the request of the city council, subsequently to meet and make an assessment of the whole amount of the value of the land and of the costs, damages and expenses of such improvement or work, in the manner herein required; and in all other cases of assessment, the city council shall appoint five disinterested freeholders of said city, residing as nearly as may be, in different wards, commissioners to make any such assessment; and the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation before the city clerk, or mayor of said city, to make the said assessment fairly and impartially according to the best of their skill and judgment. Commissioners to take oath.

10. *And be it enacted*, That the said commissioners shall make a report in writing of the assessment so made, and before signing the same, shall place the said report in the Report of commissioners to be filed.

office of the city clerk, for examination by the parties interested therein, and shall give notice, by advertisement in one or more of the city papers, for two weeks, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections, in writing, which shall be presented to, and left with them, by any of the parties interested to the city council.

Proceedings in case of objections to report.

11. *And be it enacted*, That every report of assessment made as aforesaid under the provisions of sections four, five, eight, nine, ten, of this act, and presented to the city council, shall be by them referred to a committee of three members of said council, for consideration, and in case of any objections in writing being returned with such report, the said committee shall give notice in one or more newspapers of said city, for two weeks, to the parties interested, of the time and place when and where they will meet to hear them on the objections and reports; the said committee shall thereupon examine the matter and report to the city council, and return to them 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.

Reports to be ratified by common council.

12. *And be it enacted*, That the city council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every report of assessment from which no appeal shall be taken which shall be duly ratified by the city council shall be final and conclusive; or they may return such report and assessment to the said commissioners who may have signed the same, and the like proceedings shall be had when the report is returned, as in the first instance.

Vacancies.

13. *And be it enacted*, That in case of the resignation, death, disability or removal from said city of one or more of the commissioners appointed under the provisions of

sections four and nine of this act, it shall be lawful for the city council to supply, by appointment, the vacancy or vacancies so caused.

Assessment to be a lien.

14. *And be it enacted*, That whenever any report of assessment shall be ratified by the city council, the said assessment shall become a lien upon the said real estate, and such report shall be delivered to the city treasurer, who shall forthwith prepare an abstract of such assessment and enter the same in a book to be kept for that purpose, and shall give notice in one or more newspapers published in said city, for two weeks, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such report or other party owing such assessment, to pay the amount to him, at his office, within sixty days from the first publication of the notice, or within the said time to enter into bond to said city, conditioned to pay such assessment in five years from the date thereof, with interest at the rate of eight per centum per annum payable semi-annually; and if the said bond shall not be given as aforesaid within the time specified in said notice, it shall be lawful for the city council, as they may deem proper, either to bring an action on the case in any court of competent jurisdiction, against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, or they may proceed to collect such assessment by public sale in the same manner and mode as is provided in section twenty-six of the act entitled "An act to establish the city of Elizabeth," and an act entitled "An act to make taxes a lien on real estate in the township of Elizabeth in the county of Essex, and to authorize the sale of the same, for the payment of the same," for the sale of lands and real estate for taxes; *provided*, that nothing herein contained shall affect any agreement between landlord and tenant respecting the payment of any assessments; *provided also*, that upon thirty days' notice to the treasurer

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any of the obligors in said bond may pay not less than twenty per cent. on his said bond.

Record to be kept of taxes and assessments.

15. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city clerk; the record of taxes shall be the assessments of taxes prepared and returned by the assessors of the several wards of the said city, and the final returns made by the collectors of taxes; the records of the assessments shall be the original reports of the assessments with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the city treasurer.

Part of former act repealed.

16. *And be it enacted*, That sections thirty-two, thirty-three, thirty-four and thirty-five of the act entitled "An act to establish the city of Elizabeth," be and the same are hereby repealed.

Duties of mayor in civil actions.

17. *And be it enacted*, That the mayor of said city is hereby invested with the powers of a police justice; but he shall not, as a police justice, by virtue of his office, be authorized to hear and try any civil action except such as may be brought to recover a penalty under the ordinances of the said city, in which cases he may act as a justice of the peace in his civil capacity.

Duties of mayor in criminal matters.

18. *And be it enacted*, That the said mayor as police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the city of Elizabeth, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise within their respective counties.

Actions and proceedings before mayor.

19. *And be it enacted*, That all actions and proceedings before said mayor, as a police justice, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by said mayor as police justice, in and for the said city of Elizabeth, shall be a court of record, and vested for the purposes mentioned in this act,

with all such power as is usual in courts of record of this state. And said mayor, as a police justice, may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum into any county of this state.

Power of mayor in case of violation of city ordinances.

20. *And be it enacted*, That the said mayor, as a police justice, shall be empowered, on oath, affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any ordinance of the said city, to issue a process either in the nature of a warrant, or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five, or more than fifteen days; that such process shall state the cause of complaint, and the time when it may be alleged to have been committed, and that on the return of such process, or at the time to which the said mayor, as police justice, shall have adjourned the same, the said mayor shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the said mayor, as police justice, shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided, or in the act to which this is a supplement.

Proviso.

Complaints to be made under oath.

21. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by said mayor, as a police justice, against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of the said city, unless upon oath or affirmation made and filed before said mayor, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance, in the matter of said complaint, against such person or persons.

Persons may appeal.

22. *And be it enacted*, That every person against whom judgment may be obtained before said mayor as police justice, for the violation of any of the ordinances of said city, shall have the right of appeal, in common with the city, to the higher courts, as in the case of civil suits before justices of the peace; *provided*, that so much of section twenty-two of the act to which this is a supplement, as authorizes an appeal to the city council in any cases, be and the same is hereby repealed; *provided also*, that there shall be elected, at the city annual election, as often as a vacancy may occur, one police justice in each of the wards of said city, who shall possess the like powers in all respects as are herein conferred on the mayor as a police justice, and who shall hold their offices for the like term and be commissioned in like manner as justices of the peace of the counties of this state.

Proviso.

Proviso.

Powers of police officers.

23. *And be it enacted*, That the police officers appointed by the city council, shall, in addition to the authority conferred upon them by the ordinances, rules, and regulations of the city council, possess, and have all the powers of constables within the city limits, for the purposes of preserving the peace and enforcing the ordinances of the city; and the city council is hereby authorized annually to designate the number of constables to be elected in each ward.

Ordinances to be approved by mayor, or returned to council.

24. *And be it enacted*, That before any ordinance passed by the said city council shall take effect, it shall be presented, duly certified to the mayor of the city for his approval. If he approve, he shall sign it, if not, he shall return it within ten days thereafter, with his objections, to the city council, or if the said council be not then in session, at its next meeting. The city council shall, after the expiration of not less than ten days after the said ordinance shall be so returned with the said disapproval, proceed to reconsider the same. If, after such reconsideration, at least two-thirds of all the members elected to the said city council shall agree to pass the same, or if the said mayor shall not return the ordinance so presented to him as afore-

said, it shall take effect in the same manner as if he had approved it; so much of the act to which this is a supplement as gives the said mayor a casting vote in the city council, be and the same is hereby repealed.

Part of former act amended.

25. *And be it enacted*, That section five of the "Act to establish the city of Elizabeth," be and the same is hereby amended so as to read after the words "township elections" in the fifth line, as follows: "and the officers of said elections shall be eligible to any office to be voted for at such election."

Oath of school commissioners.

26. *And be it enacted*, That the mayor and city clerk be and the same are hereby authorized severally to administer the oath required to be taken by the school commissioners, in the same manner as the judges or clerk of the late borough court were authorized and required to do.

Assessors and collectors not to be members of board of canvassers.

27. *And be it enacted*, That no part of section five of the act entitled "An act to establish the city of Elizabeth," shall be so construed as to authorize or empower the assessors and collectors of the respective wards to sit as members of the "board of city canvassers."

Council may borrow money.

28. *And be it enacted*, That in cases where the city council are authorized to make or levy any assessment for any of the said improvements under this act, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection thereof; to be expended only in payment of said improvements; *provided*, that nothing herein contained shall confer upon the said city council power to increase the general indebtedness of said city for other purposes, beyond the limit fixed by the act to which this is a supplement.

Proviso.

Act, when to take effect.

29. *And be it enacted*, That this act shall go into effect on the first day of May next.

Supplement to be submitted to electors at an election.

30. *And be it enacted*, That this act shall not go into effect until the electors of the said city of Elizabeth, at public meetings called in the respective wards 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; such meeting shall be called forthwith

by the mayor of the said city, to be held under the direction of the officers at the last annual state election held in said city, and at the same places and during the same hours, of which time and places, the mayor aforesaid shall give at least one week's previous notice by advertisement in the newspaper of said city, and posting it in the respective wards; and the electors entitled to vote, who are in favor of this act, shall each deposit a ballot with the word "supplement" written or printed thereon; and those who are opposed shall each deposit a ballot with the words "no supplement" written or printed thereon; and a canvass and a return of the votes shall be made by the judges of election, to the mayor of said city, who shall lay the same before the city council at their next meeting, whereupon said council shall by a resolution declare the result.

Approved March 15, 1859.

CHAPTER CXXIV.

AN ACT to set off from the township of East Windsor, in the county of Mercer, a new township, to be called the township of Washington.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of East Windsor, in the county of Mercer, lying within the following boundaries, that is to say: beginning in the line between the townships of East Windsor and West Wind-

sor, in the middle of the new road leading from Dutch Neck to the Bordentown and South Amboy turnpike, and running from thence along the middle of said new road to the middle of the Bordentown and South Amboy turnpike, and corner to David Gordon, senior's, land; thence along said Gordon's line and a line late of Joel Pullen, deceased, David Silvers, Jonathan Hutchinson, and others, to a stone in the public road leading from Windsor, to Chamberlain's corner, near Ezekiel Dillon's house; thence along said road to a stone in said road near the Allan school-house, and corners to lands of James P. Allen and Isaac Pullen; thence along the line between said James P. Allen, Isaac Pullen, John M. Allen, Leonard Hulit, George H. Allen, and others, straight to the Assanpink creek; thence up said creek the several courses thereof to the Monmouth county line; thence along the line of the county of Monmouth to the Hamilton township line; thence along the Hamilton township line to the West Windsor township line; thence along the line of the township of West Windsor to the place of beginning, is hereby set off from the said township of East Windsor and erected into a separate township, to be called and known by the name of the township of Washington.

Inhabitants incorporated.

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

First town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Washington shall hold their first annual town meeting at the public house now kept by Elizabeth Miller, in the village of Windsor, on the second Tuesday of March next, and afterwards on the second Tuesday of March annually, at such places in the said township of Washington

as the inhabitants shall determine, in the manner hereinafter provided.

Officers to be elected by ballot.

4. *And be it enacted*, That the inhabitants of the said township of Washington are hereby authorized and required to elect by ballot, and not otherwise, at said town meeting, and at their annual town meetings thereafter, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeals, one overseer of the poor, a town committee, consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said township may be constitutionally entitled to elect, one constable, and such other officers as are needed for said township.

Money for highways, school purposes, &c.

5. *And be it enacted*, That at the above named town meeting, and at the annual town meetings thereafter, the inhabitants of said township shall, upon the same ballot with the township officers, vote for the amount of money to be raised for the highways, for school purposes, the amount of dog tax, and for the places of holding the next annual town meeting, and the election of state and county officers.

Mode of conducting election.

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

Town committee to fill vacancies, &c.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, but a majority of the whole number shall be required to determine an amount of money

to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the said town meeting, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more have an equal number of votes for the same office, the town committee of said township shall, at their next meeting thereafter, fill such vacancy, determine upon such place, and elect between those having an equal number of votes, unless they shall deem a special meeting for those purposes most advisable.

Board of election.

8. *And be it enacted*, That James Nutt, Jonathan Hutchinson, and James G. West shall constitute the board of election for said township at the next annual town meeting after the passage of this act, with power to choose a clerk, by whom due notice of the holding of such town meeting shall be given; and that thereafter the judge of election, assessor, and collector, for the time being, shall constitute a board of election for all future annual town meetings.

Board of election to procure ballot box.

9. *And be it enacted*, That the board of election appointed by this act to hold the first annual town meeting are hereby required and directed to procure, at the expense of the county, a ballot box for the use of said township.

Town committees to divide property.

10. *And be it enacted*, That the town committees of the townships of Washington and East Windsor shall meet on the Monday next after the annual town meeting, at the house now kept by Elizabeth Miller, in Windsor, at the hour of ten o'clock in the forenoon of said day, and shall then and there proceed, by writing, signed by a majority of the township committees present, to allot and divide between the said townships of Washington and East Windsor all the property and moneys on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor of the township of East Windsor at the last annual assessment; and the inhabitants of the township of Washington shall be liable to pay their just proportion of the debts, if any there be, and if any of the town committee shall neglect or refuse to attend the meeting, as aforesaid, those present may proceed to make such

division, and shall have full power to adjourn from time to time, and to such place as they may think proper; and their decision, or the decision of a majority of them, shall be final and conclusive.

Settlement of paupers.

11. *And be it enacted*, That all paupers who may be chargeable to the township of East Windsor, at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlement.

Right of township to surplus revenue, not impaired.

12. *And be it enacted*, That nothing in this act contained shall be construed to impair, or in any wise affect, the right of said township of Washington 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, nor to interfere with the officers now elected in that part of the said township of East Windsor now created in the township of Washington, nor with the commissions of the justices of the peace, nor commissioners to take the acknowledgments and proofs of deeds.

Township to be part of third assembly district.

13. *And be it enacted*, That the said township of Washington shall be included in and constitute a part of the third assembly district of the county of Mercer.

Act, when to take effect.

14. *And be it enacted*, That this act shall not take effect until the first day of March, eighteen hundred and sixty.

Approved March 15, 1859.

CHAPTER CXXV.

A FURTHER SUPPLEMENT to an act entitled "An act respecting the Independent Essex Brigade, and to better regulate and discipline the same."

Provisions of former 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, providing for regimental courts martial be and the same are hereby extended to independent battalions attached to the Newark brigade, and that such battalion courts shall be constituted in like manner and possess the like powers with said regimental courts martial and that the paymasters of such battalions shall respectively possess the like powers and perform the like functions in all respects as the regimental paymasters, whether in regard to the collections of fines or otherwise, and fines when imposed by said battalion courts martial shall be collectable by the like process and in the like manner directed and provided in and by the act to which this is a supplement.

Distribution of moneys.

2. *And be it enacted*, That for the purpose of any distribution of moneys among the companies of said Newark brigade, the numerical strength of the respective companies shall be taken, and held not to be greater than such respective strength at the annual brigade inspection next preceding such distribution, provided that nothing herein contained shall be construed to prevent the brigade board of said brigade from requiring by affidavit or otherwise, such reasonable proof as to them may seem proper to ascertain the actual strength of such companies.

Part of former act repealed.

3. *And be it enacted*, That the second section of the supplement, approved March fourth, eighteen hundred and fifty-eight, to the act to which this is a further supplement, be and the same is hereby repealed.

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

Approved March 15, 1859.

CHAPTER CXXVI.

AN ACT to incorporate the Flemington Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Bartles, John G. Reading, John L. Janeway, Alexander Wurts, Hugh Capner, Alexander V. Bonnell, and Bennet Vansyckel, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors shall be and are hereby constituted and declared to be a

General powers.

body politic and corporate, by the name and style of the Flemington Water 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 whatsoever; 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; that the stock of the said company shall be deemed personal property, and shall consist of five hundred shares of twenty dollars each; that the management of the concerns of the said corporation

Election of directors.

shall be entrusted to nine directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the first Monday in May, at such hour and place in Flemington, in the county of Hunterdon, as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published at Flemington, for three successive weeks next before such election, at least once in each week; that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote

for each share of his or her stock, and the nine persons voted for at such election having the greater number of votes shall be directors of said corporation for the succeeding year, and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that nine directors shall not be elected, the said stockholders shall again proceed in like manner to elect out of the persons so having an equal number of votes, so many as shall complete the number of nine directors, out of which number the said directors shall, by a plurality of their votes, elect one for their president; and in case of a vacancy in the office of any of the said directors, by death, resignation or otherwise, others shall be elected by said directors to fill such vacancy; and a majority of the said directors shall be a quorum for doing business.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they, or a majority of them, may open books for that purpose at Flemington, at any time after the passage of this act, giving fifteen days' previous notice thereof in a newspaper published at Flemington, and five dollars on each share of stock subscribed for shall be paid at the time of subscribing therefor, and the balance to be paid by instalments from time to time, and in such sums as the said commissioners or directors of said corporation shall think proper and direct, and not exceeding five dollars on each share at any one time; and whenever five hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders within thirty days thereafter, by giving fifteen days' notice of the time and place, in Flemington, of such meeting, in a newspaper published in Flemington, for the purpose of electing directors and transacting other necessary or proper business; and when directors are elected, the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of the said

commissioners shall cease and be determined on the election of a board of directors; and the said directors, or a majority of them, shall have power and are authorized to call upon the said subscribers for the payment of further instalments, in such sums, at such times, and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the said instalments shall be at least thirty days apart, and shall not be called for in larger sums than five dollars on each share at a time, and fifteen days' notice of each instalment required shall be given in a newspaper published in Flemington.

Proviso.

Duties and powers of directors.

3. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint a secretary, treasurer, and other officers, agents, and servants, as they shall from time to time deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding fifty dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation before any justice of the peace of the county of Hunterdon, with costs, in an action of debt.

Proceedings in case company and owners cannot agree.

4. *And be it enacted*, That if it should become necessary, in the opinion of the said directors, to lay pipes through any private lands in said county of Hunterdon, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with

the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon application to him by said directors, or on their behalf, and after ten days' previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term not less than twenty days in a daily newspaper printed at Trenton, to appoint three disinterested appraisers from the county of Hunterdon to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises) within twenty days after the appointment, to deliver to said directors a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works, as aforesaid, which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Hunterdon; and upon payment or tender by the said directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said corporation shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs, or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or

out of the state, then and in that case it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid into the court of chancery of this state subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by the said directors.

Parties dissatisfied may appeal.

5. *And be it enacted*, That in case the said directors or the owner or owners of the said land shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the justices of the supreme court at the next term after filing of the said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the 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 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 damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said corporation, and execution awarded thereof; 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 directors shall have offered, or the said appraisers 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 directors from taking or laying pipes through said lands upon the award of the appraisers, 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.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either by virtue of the preceding section or by agreement with the owner or owners thereof, it shall be lawful for the said directors, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided, always*, that nothing in this section contained shall be so construed as to protect the said directors, or their workmen or agents, from any action that may be brought against them individually by the owner or owners of said lands, for any damage which they may have wilfully or unnecessarily done.

Company may enter on lands for purpose of repairs, &c.

Proviso.

7. *And be it enacted*, That for the purpose of effectually supplying with water the village of Flemington, its vicinity, and the inhabitants thereof, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons and corporations for the supply, use, and preservation of water, and to erect, construct, and maintain all works necessary or convenient to the purposes of this act, and to lay down pipes and other conduits, and to erect and construct hydrants and fire plugs in the streets, alleys, lanes and other places in the village of Flemington, and in the highways of the township of Raritan, in said county of Hunterdon, and to do all things necessary to furnish the said village of Flemington, and its vicinity, and the buildings, streets, and other places situate therein with water; *provided*, that the public travel upon the said highways, streets, lanes, and alleys shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire plugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and cross walks shall be left in as good condition as before the commencement of any such work; and no private lands shall be in any way injured or defaced

Company may make contracts for supply of water.

Proviso.

without permission first obtained from the owner or owners thereof.

Penalty for injuring works.

8. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever, to injure any engine, machine, reservoir, pipe, fire plug, hydrant, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped, or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover for damages, by a civil suit, for any such injury aforesaid, by and in the name of said corporation, in any court in this state having cognizance of the same.

Proviso.

Dividends.

9. *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 the said water works; and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

Additional supply of water.

10. *And be it enacted*, That if the water now contemplated to be used by the said corporation for the purposes of this act of incorporation, should, by reason of the increased demand therefor, be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor; and, if necessary for such purposes, they are hereby authorized and empowered to increase their

capital stock from time to time, not exceeding in the whole additional amount the sum of twenty thousand dollars, to be divided into one thousand shares of twenty dollars each, to be paid by instalments in the manner and upon like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared, the said directors shall declare and make dividends upon all the stock subscribed and paid for.

11. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 15, 1859.

CHAPTER CXXVII.

A SUPPLEMENT to the act entitled "An act to incorporate the Paterson and New York Plank Road Company," approved March fourteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of the said the Paterson and New York plank road company be and they are hereby authorized and empowered to sell at public or private sale, and to grant and convey to any person, persons or corporation the whole or any part of

Road may be sold.

the road constructed by said company, under the act aforesaid, together with all the privileges, franchises, appendages and appurtenances to the same belonging or appertaining;

Proviso. *provided always*, that the consent in writing of the owner or owners of at least a majority of the capital stock of said company shall be first had and obtained to such sale and conveyance.

Company authorized to lay rails on road.

2. *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 lay and construct a railroad with a single or double track over and upon that part of said plank road lying between the hotel on said road, now kept by Cornelius McCollum (where the road leading from the Hoboken and Hackensack turnpike to Seacaucus intersects said plank road), to the intersection of said plank road with the road leading from Hoboken to Hudson city.

Right to lay rails may be sold.

3. *And be it enacted*, That the said president and directors be and they are hereby authorized and empowered to sell and dispose of the right and authority hereby given to lay and construct a railroad, and to use the same when constructed as aforesaid, either at public or private sale, for

Proviso. the benefit of the company; *provided*, said president and directors shall determine to sell a part of said road as authorized above.

Approved March 15, 1859.

CHAPTER CXXVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Belvidere and Water Gap Railroad Company," approved February twenty-first, eighteen hundred and fifty-one.

Preamble.

WHEREAS, by their act of incorporation and the supplements thereto heretofore passed, "The Belvidere and Water Gap Railroad Company" are authorized and empowered, under certain restrictions, to consolidate their stock with the stock of any railroad company with which they may connect; AND WHEREAS, in case of any such consolidation, the maintenance of separate corporate organizations under different charters would be likely to create confusion, and would be expensive and unnecessary; therefore,

Company to be governed by the provisions of charter of corporation with which it is consolidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, whenever such consolidation shall be made with the stock of any railroad company, as authorized by the said supplements or any of them, the railroad constructed or authorized to be constructed by the Belvidere and Water Gap Railroad Company, or any part thereof now or hereafter to be completed, shall be and become a part of the railroad of, and, in its construction, maintenance, use, enjoyment, further extension and completion, to the full extent authorized by the charter of the Belvidere and Water Gap Railroad Company, and all the supplements thereto, and of the rights and privileges thereby granted, shall be regulated and governed by the provisions of the charter of the company with the stock of which its own shall be consolidated, and for that purpose all and every provision of the charter of such company, and the supplements thereto, if any, shall extend and be applicable in every respect, to the road constructed or authorized to be constructed by the said the Belvidere

and Water Gap Railroad Company, and every part thereof, now or hereafter to be made or completed.

Time for commencement and completion extended.

2. *And be it enacted*, That the time for the commencement and completion of the road of the said the Belvidere and Water Gap Railroad Company is hereby extended five years from the time now fixed by law; and that whenever any part of the said road shall be finished, it shall be lawful to take the same tolls per mile on the part so finished, to make such dividends on the stock, and to use and enjoy the same rights and privileges as are now, by law, authorized to be taken, made, used, and enjoyed, on or after the completion of the said road.

Location of upper terminus.

3. *And be it enacted*, That the Belvidere and Water Gap Railroad Company, or the company with which it may be consolidated, may fix, if deemed expedient, the upper terminus of their railroad at any point on the Warren railroad west of Vass Gap Tunnel and where said Warren railroad crosses the river Delaware; but they are not to locate their railroad so as to connect with the Warren railroad east of Vass Gap Tunnel, under this supplement.

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

Approved March 15, 1859.

CHAPTER CXXIX.

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

Penalty for setting fire to building, &c., which shall be insured.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall wilfully and maliciously set fire to or burn, or aid, counsel, procure, or consent to the setting fire to or burning of any building, ship, or vessel, or any goods, wares, merchandise, or other chattels, which shall at the time be insured against loss or damage by fire, with intent to prejudice such insurance, whether the same be the property of such person, or any other, such person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding ten years, or either of them.

Penalty for occupants setting fire to house.

2. *And be it enacted*, That if any person shall wilfully and maliciously set fire to or burn, or aid, counsel, procure, or consent to the setting fire to or burning of any dwelling, house, shop, barn, stable, warehouse, or other building of another, in his or her possession, with intent to defraud any person whatever, such occupant shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, and imprisonment at hard labor for any term not exceeding five years, or either of them.

Penalty for stealing money, goods, &c.

3. *And be it enacted*, That if any person shall unlawfully and maliciously take or steal any money, goods, or chattels from the person of any other, whether privily, or without his or her knowledge or not, but without such force or putting in fear as is sufficient to constitute robbery, or who shall attempt so to do, or who shall be present, aiding, or abetting therein, such person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction

thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.

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

Approved March 15, 1859.

CHAPTER CXXX.

AN ACT to create a new township in the county of Hudson, to be called the "township of Weehawken."

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Hoboken, and the township of North Bergen, in the county of Hudson, included within the following boundaries, that is to say, commencing on the westerly side of the road leading from Bull's ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands, formerly of Mitchel Saunier and John Van Horne, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning running in a southeasterly direction, down the bank of Hudson river, following the same dividing line, and a continuation thereof if protracted to the middle of Hudson river; from thence, returning to the

place of beginning; and from said place of beginning running southerly, and along the westerly side of said road, to the northerly side of the Bergen turnpike road, opposite the lands of John Ehlers, and where said roads intersect; thence northwesterly, and along the northerly side of the said turnpike road, until you reach a point opposite to the intersection of the Palisade avenue, with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said avenue in a southwesterly direction, to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary line of said Loss property intersects the said Bergen turnpike road, and across said road, and in a continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office; thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid, to the northeast corner of Hudson and Seventh street; thence easterly along the northerly line of Seventh street to the northeasterly corner of River and Seventh street; thence southerly along the easterly side of River street to the northerly side of Sixth street, and then east along the north line of Sixth street to the river; and thence in a continuation of said last mentioned line, if protracted to the centre of the river; thence up the river, and along the middle thereof to a

point which will reach the line first protracted as aforesaid, to the middle of Hudson river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of Weehawken," in the county of Hudson, and state of New Jersey, and are vested with and entitled to all the rights, powers, privileges, authority, and advantages, and subject to the same government and liabilities as are prescribed in 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, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share, and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors within their respective limits at the last assessment, and subject to like obligations and responsibilities, with other townships in the said county, in the same manner as if herein particularly enumerated and set forth.

Annual town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken as shall be determined by the electors of said township, in the manner prescribed by law.

Settlement of paupers.

4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in the said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

Justices of the peace, &c., to hold office until expiration of term.

5. *And be it enacted*, that justices of the peace, commissioners for taking the acknowledgment and proof of deeds, and other officers residing within the limits of the township

of Weehawken, shall hold their offices until the same shall expire by their own limitation.

Lands, set off, to be subject to proportionate share of debt of Hoboken.

6. *And be it enacted*, That such portion of the lands and property in the first section of this act described, and therein included, as are separated and set off from the city of Hoboken, shall be subject to a proportionate share of any debt or obligation incurred by the city of Hoboken; and also such portion of the lands and property in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson, and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity, upon the lands and property aforesaid, in the proportions and in the principles aforesaid.

Part of former act repealed.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the creation of the said township of Weehawken, and the boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

Assembly district.

8. *And be it enacted*, That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

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

Approved March 15, 1859.

CHAPTER CXXXI.

A FURTHER SUPPLEMENT to the act to incorporate the Trenton City Bridge Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Kirkbride, Mahlon Kirkbride, James H. Farrand, Jehu Hendrickson, David Taylor, Elisha Reeves and Mahlon Moon, of the state of Pennsylvania, and Thomas J. Stryker, John L. Taylor, William A. West, Thomas P. Johnston, Barker Gummere, Gregory A. Perdicaris, and Jonathan Steward, of the state of New Jersey, be and they are hereby appointed commissioners to receive subscriptions to the capital stock of the Trenton City Bridge Company, instead and in place of the commissioners heretofore appointed for that purpose by the legislature of the states of Pennsylvania and New Jersey respectively, and they are hereby invested with all the rights, powers and privileges, and made subject to all the obligations, duties and responsibilities granted and imposed by the act incorporating the said company to and upon the commissioners therein named.

Part of former act repealed.

2. *And be it enacted*, That so much of the act to incorporate the Trenton City Bridge Company, or of any former act relative thereto as is inconsistent with the provisions of this act be and the same is hereby repealed.

Act, when to take effect.

3. *And be it enacted*, That this act shall not go into effect until a like supplement shall be passed by the legislature of Pennsylvania.

Approved March 15, 1859.

CHAPTER CXXXII.

AN ACT to incorporate "the Flemington Gas Light Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Hopewell, Charles Bartles, John L. Janeway, John G. Reading, and Bennet Vansyckle, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors are hereby created a body politic and corporate in fact by the name of "the Flemington Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials for the purpose of lighting the streets, buildings, manufactories and other places situated in the village of Flemington and in the township of Raritan, and to enter into and execute contracts, agreements, or covenants in relation to the object of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned, and no private lands shall be in any way injured or defaced without permission first obtained in writing from the owner or owners thereof. Names of corporators. Proviso.

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 roads of the village of Flemington and township of Raritan, and to do all things necessary to light the Company authorized to lay down pipes.

said village of Flemington and township of Raritan, and the dwellings, stores and other places situated therein;

Proviso. *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, alleys, lanes, avenues and roads shall not be injured, but shall be in as good and perfect condition as before laying of the said pipes or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That John C. Hopewell, Charles Bartles, John L. Janeway, John G. Reading and Bennet Vansyckle are hereby appointed commissioners for receiving subscriptions for the sum of ten thousand dollars to constitute the capital stock of the said corporation, in shares of twenty-five dollars each, and the said commissioners or a majority of them shall open books for that purpose at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted for at least three weeks in a public newspaper printed in Flemington, and shall continue the same open until the said capital stock shall be subscribed or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and the sum of ten per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber at the time of subscription, to the said commissioners, and the amount so received shall by them or a majority of them be paid over to the directors of the said company to be appointed as hereinafter directed, and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors, and the said board, when so appointed, shall have power and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock until the whole stock shall be subscribed, and are also authorized to call upon the said subscribers for the payment of further instalments in such sum

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

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of this state, and the said directors shall choose by a plurality of votes a president from among themselves, and as soon as conveniently may be after ten thousand dollars shall have been subscribed, the before named commissioners or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice to choose the first board of directors who shall hold their offices until the second Monday in January thereafter, and the said directors and president shall hold their offices from the second Monday of January in every year, for one year, and shall be elected on the second Monday of January in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election for ten days in a newspaper printed in Flemington, and any vacancy in the said board of directors may be supplied by appointment to be made by the board of directors until the next election, and all elections shall be by ballots 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 thirty days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they or a majority of them shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *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 structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years or both, provided such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid by and in the name of the said corporation, in any court of the state having cognizance of the same.

Books of account to be kept.

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 at all times open for the inspection of the stockholders.

When works are to be completed.

10. *And be it enacted*, That the said company shall erect and establish their said gas works within five years from the passage of this act, and if said company fail to comply with the requirements of this section, then all the rights, privileges and powers granted by this act shall be forfeited, and said act void and of no effect.

Limitation.

11. *And be it enacted*, That this charter shall continue in force for the period of thirty years.

Approved March 15, 1859.

CHAPTER CXXXIII.

AN ACT to incorporate the Oxford Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Scranton, Eugene T. Henry, Jacob W. Dernberger, Joseph J. Henry, George Kiser and H. L. Marvine, and such other persons as may hereafter be associated with them, and their successors, be and are hereby constituted a body politic and corporate by the name and style of "The Oxford Iron Company," for the purpose of mining, smelting, manufacturing and vending iron, minerals, earths, metallic substances and such other articles as are necessary in the prosecution of their business in the most advantageous manner, and by that name they and their successors shall have all the powers and privileges, and be subject to such restrictions, limitations and conditions as are specified in the act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, except as otherwise granted in and by this act of incorporation, and this act shall continue in force for thirty years. Names of corporators.

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

3. *And be it enacted*, That the persons named in the first section, or any four of them, shall open books to receive subscriptions to the capital stock of said corporation at such time or times, place or places in the county of Warren and elsewhere as they may think proper, giving notice thereof for at least two weeks previous to the opening of Commissioners to receive subscriptions.

said books by publishing the same in a newspaper published at Belvidere, in the county of Warren, and the said books shall be kept open two days at least, and two dollars per share shall be paid on each share of the stock subscribed at the time of subscription, and if more than the amount to which the capital by this act of incorporation is limited shall be so subscribed, the said persons named in the first section, or a majority of them, shall make an equitable distribution of said stock among the said subscribers; and it shall and may be lawful for said company to commence their business and carry it on after the sum of twenty thousand dollars shall be subscribed and the sum of ten thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than ten dollars on each share, and at intervals of not less than thirty days between each payment, under a penalty of a forfeiture of all previous payments, if any such instalments be not paid within thirty days after a notice has been given in a newspaper published at Belvidere, in the county of Warren; and it shall be lawful for the said company, at any time they may have any of their capital stock unsubscribed for or otherwise disposed of, to grant certificates of shares in full or part payment for any personal or real estate and mining rights that may be purchased or leased for the purposes of conducting the business of the company.

Payment of instalments.

Election of directors.

4. *And be it enacted*, That the business of said company shall be managed by five directors, being stockholders, one of whom shall be president; the number of directors may be increased to nine, if a majority of interest desire it, a majority of whom shall be competent to transact the business of the company; the first directors may be elected at any time after twenty thousand dollars of the capital stock has been subscribed, upon notice being given to all the stockholders for a meeting to choose directors, each share of the capital stock entitling the holder thereof to one vote; and the persons named in the first section of this

act, or a majority of them, shall be inspectors of the first election for directors of the corporation, and shall certify under their hands the names of those persons having the greatest number of legal votes and being duly elected, and deliver over the said subscription books and effects to the said directors, and annually thereafter elections for directors shall be held and conducted in conformity to an act entitled "An act to prevent fraudulent elections by incorporated companies," approved April fifteenth, eighteen hundred and forty-six, and the supplements thereto, and the persons, being stockholders, having the greatest number of legal votes shall be the directors, and the said directors shall proceed by ballot to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of director by death, resignation or otherwise, such vacancy or vacancies may be filled for the remainder of the year, whenever it or they may happen, by the said board of directors, or a majority of them.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That should it happen that an election should not be made upon the day designated for that purpose, 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.

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

Approved March 15, 1859.

CHAPTER CXXXIV.

SUPPLEMENT to the act entitled "An act concerning escheats," approved twenty-seventh February, eighteen hundred and twenty-eight.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of said act, to which this is a supplement, as requires that the attorney general shall cause notice to be given of the taking of the inquisition therein referred to in one of the newspapers printed in the city of Washington and in one of the newspapers printed in the city of New York, be and the same hereby is repealed.

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

Approved March 15, 1859.

CHAPTER CXXXV.

AN ACT to enable the inhabitants of school district No. ten, in the township of Hope, in the county of Warren, and state of New Jersey, to raise money by tax to purchase land and build a school-house.

Preamble.

WHEREAS, the inhabitants of school district No. ten, in the township of Hope in the county of Warren and state of

New Jersey, have become incorporated under the name of "The Hope Academy;" AND WHEREAS, the said district is desirous of raising money by tax for the purpose of purchasing land and building a suitable school-house thereon; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said incorporated school district, number ten, in the township of Hope, in the county of Warren, to raise by tax a sum not exceeding two thousand dollars, for the purpose of purchasing land and erecting a school-house thereon; *provided*, that a majority of the legal voters in said school district shall concur therein at an election to be held in said district school-house on the last Monday of March eighteen hundred and fifty nine, between the hours of one and four o'clock in the afternoon of said day, notice of which election shall be given by the incorporators posting up notices of such election in three of the most public places in said school district. District authorized to raise money. Proviso.

2. *And be it enacted*, That of the said sum of two thousand dollars, one hundred dollars shall be assessed by an equal capitation tax upon all persons subject to assessment and taxation in said incorporated school district, as it now exists, which said sum shall be levied, assessed and collected at the same time and in the same manner as other township taxes are or may be assessed, levied and collected. Assessment and collection of part of tax.

3. *And be it enacted*, That the balance of the said sum of two thousand dollars, or so much thereof as it shall be necessary to raise, shall be assessed on the estates of the inhabitants of said incorporated school district as it now exists, and on all lands liable to be taxed therein, in the same manner and to the same extent as township taxes are now assessed by law. Assessment and collection of balance.

4. *And be it enacted*, That George D. Turner, James K. Swayze, Abraham Freese, George H. Beatty, and Caleb Swayze, or a majority of them, shall be commissioners in behalf of the said incorporated school district to purchase land in the said district suitable for the erection of such Commissioners to purchase land.

building, and shall take a deed therefor, in the name of the said corporation, and they or a majority of them, shall also be commissioners in behalf of said incorporated school district, to superintend and direct the erection of a school-house on said land.

Commissioners to make out estimate.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall make out an estimate of the value of the land so to be purchased, and the expenses necessary to be incurred in the erection of the said school-house, not exceeding the said sum of two thousand dollars, and shall deliver a copy thereof, signed by them, or a majority of them, to the assessor of the township of Hope, in which said school district is located, which said sum so made out and delivered to said assessor, the said assessor shall assess on the estates of the taxable inhabitants within the present boundaries of said incorporated school district, and on all lands liable to be taxed therein, in the same manner as the township taxes are assessed, and the said sum of money shall be assessed, levied and collected at the time and in the same manner as other township taxes are or may be assessed, levied and collected, except the said sum of one hundred dollars, which shall be raised as aforesaid by an equal capitation tax upon all persons subject to assessment and taxation in said district.

6. *And be it enacted*, That the collector of the said township of Hope shall pay over all moneys by him received, which shall have been assessed as aforesaid, to the said commissioners, or a majority of them, who shall appropriate the same to the payment of the said land so to be purchased as aforesaid, and to the defraying of the expenses of erecting the said school-house.

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

Approved March 15, 1859.

CHAPTER CXXXVI.

A SUPPLEMENT to the act entitled "An act to incorporate the Perth Amboy and Woodbridge Railroad Company."

Company authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Perth Amboy and Woodbridge Railroad Company shall have power to borrow such sum and sums of money, from time to time, as may be necessary to build, construct, and repair their road, and furnish all necessary engines and machinery for the use and objects of the said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds secured by mortgage on the said road, lands, and privileges, franchises, and appurtenances of and belonging to the said company, such bond or bonds to draw interest not exceeding seven per centum per annum; *provided always*, that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of the said company.

Proviso.

Annual tax to be paid.

2. *And be it enacted*, That as soon as the net proceeds or profits of said road shall amount to six per centum upon its cost, the said company shall pay to the treasurer of this state one half of one per centum on the costs of said road, to be paid annually thereafter on the first Monday in January in each year, and no other transit duty, tax, or imposition shall be assessed or levied upon the said company.

Approved March 15, 1859.

CHAPTER CXXXVII.

AN ACT to incorporate the Freehold and Colt's Neck 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 Freehold and Colt's Neck turnpike company shall be opened by Daniel B. Ryall, John Denice, Charles Haight, Joseph T. Laird, David Baird, John F. T. Forman, Adam Marcellus, T. Forman Taylor, John Van Mater, Thomas P. Barkalow, and Forman Sickels, 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 thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty for the said company to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when three hundred shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of the Freehold and Colt's Neck 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 instalments.

3. *And be it enacted*, That at the time of subscribing for said stock two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments, at such times and places and to such persons as the president and directors of the company shall from time to time direct, and

give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of the 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 apportionments; *provided also*, that the stockholders shall upon request have the right to pay the stock subscribed, except the first instalment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time and upon such notice by either party as the directors may determine.

Proviso.

Proviso.

Proviso.

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

Act void if stock is not subscribed for in certain time.

5. *And be it enacted*, That when three hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners or a majority of them shall be judges; and at the

Election of directors.

expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Proviso.

Duties and powers of 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 be a citizen of this state, and resident in the county of Monmouth, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and resident in the county of Monmouth, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they

shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States. 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 to be made.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same as 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 and proceedings of the company, to be exhibited to them by the president and directors. Special meetings.

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road either three or four rods wide, from the town of Freehold, in the county of Monmouth, to the village of Colt's Neck, Company authorized to make road.

in said county, which said turnpike road shall be constructed on and along the public highway leading from the said town of Freehold to the said village of Colt's Neck; and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the highway aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike upon now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said admages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, 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 owner will sustain thereby, and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be 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 twenty feet in breadth, and whenever the said road, in passing over low ground, shall be raised so much

at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners cannot agree.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required 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, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials,

and to assess the damages, upon such 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 the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation faithfully to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages, to be paid by the said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain of record therein, and shall be recorded by the said clerk, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interests and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage, and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

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

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

For every additional beast, one cent.

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

For every dozen of calves, sheep or hogs, one cent.

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

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

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Freehold, and shall cause to be fixed Mile-stones or posts to be erected.

and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

Penalty for injuring works.

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

Penalty for taking illegal tolls.

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

Penalty for obstructing passage.

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

the other side of the road free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and 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, said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall for each offence, forfeit and pay twenty dollars, to be sued for by any person who 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 persons making the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Commencement and completion of road.

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, that then and in that case this act shall be void, and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When gates may be erected.

21. *And be it enacted*, That whenever the said company shall have completed any three consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said road, and demand and receive toll for travelling thereon, agreeably to the foregoing rates.

Corporation may use public roads.

22. *And be it enacted*, That the said corporation may use any portion of the main public roads on the route above named, by and with the consent of three-fourths of all the landholders along or on the route of said road, and if three-fourths of the owners of such lands shall refuse their consent, then and in that case such road shall be first vacated according to law.

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

Approved March 15, 1859.

CHAPTER CXXXVIII.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Paterson Gas Light Company," passed December ninth, eighteen hundred and twenty-five.

Time of annual meeting changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meeting for the election of directors of the said company, hereafter may be held on the second Thursday in June in each year, anything in said act or the supplement thereto, to the contrary notwithstanding.

Expiration of terms of office of directors.

2. *And be it enacted*, That the present board of directors may continue in office until the second Thursday in June next; and that every succeeding board may continue in office until the second Thursday in June succeeding their election, and until their successors are chosen.

Proceedings in case of failure to hold election on day prescribed.

3. *And be it enacted*, That in case the stockholders of the said company fail to hold their election for directors as herein provided, the board of directors for the time being, may order an election, to be held after the day herein prescribed, giving public notice of the time, place and object of such election, in two of the newspapers printed in this

state, one of which shall be published in the city of Paterson, at which time and place directors may be chosen.

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

Approved March 15, 1859.

CHAPTER CXXXIX.

AN ACT to incorporate the Elastic Cone Spring Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Alexander, John J. Fields, Henry Day, James S. L. Cummins and Henry M. Alexander, or the survivor or 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 and declared a body politic and corporate, in fact and in law, by the name of "the Elastic Cone Spring Company," for the purpose of manufacturing springs for cars, and other springs, in all the branches of said business, at Jersey City, in the county of Hudson, and Trenton, in the county of Mercer, in this state, and carrying on the business incident thereto, and that they and their successors by the same name shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, tenements and hereditaments within the counties of Hudson and Mercer, and any goods and

chattels of whatever kind or quality whatsoever; and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien and dispose of, also to sue and be sued, plead and be impleaded in courts of justice, or in any other place whatever, and to make and use a common seal.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, with the privilege of increasing the same to eight hundred thousand dollars, whenever in the opinion of the board of directors the profits of the company shall warrant such increase; and that when thirty thousand dollars shall have been paid in, in cash, such company may purchase manufactories, materials, patents, and other property necessary for their business, and issue stock to the amount of the value thereof in payment therefor; and the stock so issued shall be declared and taken to be full stock, and not liable to any further calls; but once every year said company shall publish a statement, sworn to by the president of said company, in one or more newspapers published in each county where the business shall be carried on, containing the amount of capital stock of said company, and how much has been paid in cash, and how much in materials, patents and other property, according to the fact.

Directors to open books of subscription.

3. *And be it enacted*, That the subscription of said stock shall be open at the city of Jersey City 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.

Election of directors.

4. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first Tuesday of May in every year, and that the said directors shall be chosen on the last Tuesday of April in every year, at such time and place as shall be directed by the by-laws of the said company, and public notice

shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers in each of said counties of Mercer and Hudson, by such stockholders as shall attend for that purpose, either in person or by proxy, and said elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company, and the person having the greatest number of votes, being stockholders, shall be the 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 five 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 and 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 five, and the said directors so chosen shall elect one out of their number to be president, and shall also appoint such and so many officers, agents and factors, and assign such compensation as they shall see fit, not less than three directors being present when an election and appointment takes 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 by the remaining directors, or a majority of them, at any meeting of the board of directors until the first election for directors at the time provided, and until others shall be elected, the directors of said company, until others shall be elected, shall be William C. Alexander, John J. Fields, Henry Day, James S. L. Cummins and Henry M. Alexander.

First directors.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company, and no dividend shall be made to and among the

stockholders except from and out of the profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which, pursuant to this act, it ought to be made, the said corporation shall not for this 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.

Directors to make by-laws.

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

Proviso.

Annual statement to be made.

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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company, and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their annual meeting for the election of directors, hereinbefore provided.

Transfers to be registered.

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

Limitation.

10. *And be it enacted*, That this act shall continue in force for a period of thirty years, and shall take effect immediately, but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend, or repeal this act, or any part thereof, whenever they shall see proper.

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 February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 15, 1859.

CHAPTER CXL.

AN ACT to incorporate the Camden, Moorestown, Hainesport, and Mount Holly Horse Car Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Mickle, Joseph W. Cooper, John S. Read, John Hood, Benjamin W. Cooper, Samuel H. McFadden, James C. Finn, William Buzby, James S. Hulme, Barclay Haines, James McIlvain, and George McHenry, and such other persons as may be hereafter associated with them shall be and they are hereby ordained, constituted and duly declared a body politic and corporate in fact and in law, by the name of "the Camden, Moorestown, Hainesport, and Mount Holly Horse Car Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or proper for the object of the said corporation hereby created.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with privilege to increase the same to three 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 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 twenty days' notice of the same in two of the newspapers published in this state, and that at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as forty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose thirteen directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons or any three of them shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president who shall be a resident of this state, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies Commissioners to receive subscriptions. Election of directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Payment of instalments.

5. *And be it enacted*, That seven directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct, and in case of the non-payment of said instalments 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 the said corporation, and also shall have power to appoint such officers, clerks, and servants, as to them shall seem meet and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road.

6. *And be it enacted*, That the said corporation shall have power and authority to survey, lay out and construct a railroad not exceeding fifty feet in width, with one or more tracks from some point easterly of Eighth street in the city and county of Camden, to some point at or near the Camden and Moorestown turnpike road, and from thence on or near the said turnpike road to some place or places in the village of Moorestown in the county of Bur-

lington, and from thence through the said village of Moorestown to some point at or near the Moorestown and Mount Holly turnpike road, and from thence on or near the last named turnpike road to Hainesport in the county of Burlington, and from thence to some place or places in the town of Mount Holly, in Burlington county, and there to end; and it shall be lawful for the said corporation, their agents, engineers, superintendents and workmen, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, laying out or locating the said railroad, 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 thereof deposited in the office of the secretary of state, then it shall be lawful for the said corporation, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things necessary or proper for the completion or repair of said railroad, subject to such compensation as is hereinafter provided for; *provided*, that payment or tender of payment of all damages for the occupation of such lands shall be made before the said corporation, or any person in their employ, or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and locating said railroad as aforesaid, unless the consent of the owner or owners of such lands shall be first had and obtained; *and provided also*, that the said railroad shall not be constructed along any street of said city of Camden, without the consent of the city council first had and obtained; but no damages or other compensation shall be demanded therefor by said city, or by the owners of lands along said streets, other than that said corporation shall maintain and keep in good repair the said streets where said railroad passes for at least ten feet in width for each track of railroad in each street; and the said railroad,

Proviso.

Proviso.

and the rails thereof, shall be constructed in such manner, and of such gauge, size and pattern, as to impair or obstruct as little as practicable the ordinary travel on said streets; *and provided further*, that the said railroad shall not be constructed upon the bedded or faced parts of the aforesaid turnpike road without the consent of two-thirds in value of the stockholders of the Camden and Moorestown and the Moorestown and Mount Holly turnpike companies; and that, if constructed on or along any other part of said turnpike roads, it shall be so made as not to obstruct the proper drainage of said turnpike roads, or unnecessarily interfere with the ordinary travel thereon; and said railroad shall be constructed of the same width that vehicles and carriages are now required by law to be built, and the rails shall be laid in such a manner that ordinary vehicles and carriages can be driven upon said road; and that before the said railroad shall be constructed upon said turnpike roads, or any part thereof, the said corporation, hereby created, shall pay to said turnpike companies all damages which they will sustain by reason of the construction of any portion of said railroad upon the land occupied by or appertaining to said companies; *and also provided further*, that in crossing the railroad of "The Camden and Amboy Railroad and Transportation Company," or of "The Camden and Atlantic Railroad Company," the said railroad, hereby authorized to be constructed, shall be made at such intersection on the level of those railroads, and the cuts in the rails thereof, and the crossings and connections shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

Proviso.

Proviso.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land, 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 so required for the use of said company in the construction of said road, shall be given in writing, under

the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as he shall direct, for any term not less than 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, residents in the county in which the land in controversy lies, or the owners reside, commissioners to examine and appraise the said land, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said land, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, the said railroad, 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 and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of

the county in which the land is 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 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, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they, may appeal to the next circuit court in the county wherein the said lands may lie.

Proviso.

Proceedings on appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands 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 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 said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon, or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or 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 to 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, or in case of appeal found by the jury, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, unto the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred from his, her or their appeal from the report of the commissioners.

Proviso.

Company to construct and keep in repair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages, over or under the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed; and, likewise, when the said railroad 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 road.

What real estate may be held.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any intermediate depot upon the line of the same, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and 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 creeks or 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*, the said company, whenever it may become necessary to cross any navigable creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Dividends.

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

Company authorized to purchase machinery, &c.

12. *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 said company, all such machinery, engines, cars, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on railroads, as they may think fit, reasonable, expedient or right; but no steam power shall be used as a motive or

propelling power on said railroad; 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, may think reasonable and proper.

Penalty for injuring works.

13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such 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.

Corporation may borrow money.

14. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the said roads, 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.

Proviso.

Commencement and completion of road.

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

Annual tax to be paid.

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file under oath or affirmation a statement of the cost of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter shall under oath or affirmation make a statement to the legislature of this state of the proceeds and expenses of said railroad, and whenever the

net proceeds of the said road shall amount to seven per centum upon its cost, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

Corporation may consolidate stock with other companies.

17. *And be it enacted*, That it shall be lawful for the corporation hereby created, and the aforesaid "The Camden and Moorestown Turnpike Company" and "The Moorestown and Mount Holly Turnpike Company," with the consent of two-thirds, in value, of such of the stockholders of said companies as shall attend a meeting thereof, upon the joint call of their respective presidents, to be published at least four weeks successively in two of the newspapers printed and published in the counties of Camden and Burlington, specifying the time, place and object of such meeting, to consolidate the capital stock of said two companies upon such terms and conditions, and with such capital as may be agreed and determined upon by their respective boards of directors; and that, whenever the said capital stocks shall be so consolidated, a certificate thereof, under the common seal of the said three companies, attested by their presidents, shall be filed in the office of the secretary of state, at Trenton, and thereupon the said three companies shall be and become a corporation and body politic, in fact and in law, by the name of "The Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad and Turnpike Company," with such capital as may be agreed upon and determined as aforesaid, not exceeding the amount of the joint capitals thereof, and with all the powers, privileges and franchises of said three companies, but subject to all their restrictions, limitations, conditions and penalties; and it shall be lawful for the stockholders of said three companies, as soon as conveniently may be after said consolidation, upon the joint call of their then late presidents, to be made and published as above set forth, to elect from among themselves a board

of thirteen directors for such consolidated company, to manage the affairs thereof for one year next ensuing, and until others shall be elected in their stead; and annually thereafter the stockholders of such consolidated company shall elect a like board of directors to manage the affairs of said company, which board and boards of directors shall have all the powers and privileges to elect and appoint a president and other officers, agents and workmen, and to conduct and manage the affairs of such consolidated company, as is hereinbefore provided for, and given to and conferred upon the boards of directors for the said "The Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company," as to such company.

Approved March 15, 1859.

CHAPTER CXLI.

AN ACT to incorporate the Jersey City and Bergen Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dudley S. Gregory, Jacob M. Merseles, Matthew Armstrong, Peter Bentley, John M. Cornelison, and such other persons as may be hereafter associated with them, their successors and assigns be and are hereby created a body corporate and politic in fact and in name, by the name of the Jersey City and Bergen Railroad Company, and shall be capable of purchasing, holding

Names of corporators.

and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

Amount of capital stock.

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

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 said corporation at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City, and at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose eleven 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 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 the 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 election of said corporation, shall as soon as may be after every election choose out of their number a president, and in case of the death, resignation or removal of the president or any director, such vacancy may be filled for the re-

Election of directors.

mainder of the term for which they were elected 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 the said corporation shall prescribe.

Duties and powers of directors.

4. *And be it enacted*, That five directors of said corporation shall be a quorum for the transaction of all business of said corporation, and shall have power to call in the capital stock of the said company by such instalments and at such times as they may direct, and in case of the non-payment of said instalments 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 shall have power to appoint such officers, clerks and servants as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

Corporation not dissolved for failure to elect on day prescribed.

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

Company authorized to construct road.

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 some point on the Kill Van Kull, at, or near Bergen Point, to the Newark turnpike road leading from Jersey City to Newark, with the privilege of constructing one or more branches extending to the several ferries in the county of Hudson, south of the city of Hoboken, said road not exceeding sixty feet in width, except in such places where

from the depth of 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; 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 and waters, for the purpose of exploring, surveying, levelling or laying out of the route or routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendges thereof, doing no unnecessary injury to private or other property, and when the route of such railroad shall have been determined and a survey thereof filed in the office of the clerk of Hudson county, 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, occupy and excavate any such lands, and 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 hereafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out of said road, unless the consent of the owner or owners of said lands be first had and obtained, and *provided also*, that in constructing said railroad or branches through any of the streets or avenues of Jersey City, the consent of the common council of said city shall first be obtained; the said work shall be done under the inspection of the commissioner of streets or other proper officers of said cities, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets or avenues to their former good

Proviso.

condition without unnecessary delay, and *provided further*, that horse power and no other shall be used by the company in running their cars or carriages, unless where the grade of said road may be so steep as to require other power than horse power; in that case the company shall have the right to erect stationary engines. Proviso.

7. *And be it enacted*, That when the company, or its agents, cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land and 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 person 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 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 said notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, non-residents 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 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 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 controversy, and to make a true Proceedings in case company and owners cannot agree.

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, 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 land 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 the 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, on 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.

Parties dissatisfied may appeal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the 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 filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper

issue for the trial of the said controversy, to be formed between the 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 shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum, than the company offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, 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 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.

What real estate may be held.

9. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, ware-houses, stables and such other buildings and improvements as they may deem expedient for the safety of the property, and the construction of the 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 over such 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.

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.

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad, enjoyed under the provisions of this act, or in any of their necessary works, bridges or carriages, 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 of competent jurisdiction in an action of debt, and further shall be liable for all damages.

When company may commence running.

12. *And be it enacted*, That when two miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Commencement and completion of road.

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

Annual tax to be paid.

14. *And be it enacted*, That on the first day of January, after the railroad and its appendages, or any part thereof shall be finished, so as to be used, the president and treasurer of said company shall file under oath or affirmation a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter, a like statement of all further costs and expenses from year to year, and the president and treasurer of said company shall also, under oath or affirmation, make a statement to the legislature of this state of the net proceeds of said road, on the first day of January after it shall be used, and annually thereafter; and as soon as the said railroad or any part thereof shall be put in operation, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the amount expended by said company for said road, which

shall in like manner be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company. Proviso.

15. *And be it enacted*, That it shall be lawful for the said company to purchase any plank road or roads within the limits aforesaid, and to manage and conduct the same, and in case they do not purchase the said roads, then they shall not construct their said road within fifty feet of any such plank road without their consent, except to cross the same, and in doing so they shall cross at right angles, as near as possible. Company may purchase roads.

16. *And be it enacted*, That this act shall continue in force for and during the term of twenty-five years, and that the legislature may at any time alter, modify or repeal the same. Limitation.

Approved March 15, 1859.

CHAPTER CXLII.

A SUPPLEMENT to the act, entitled, "An act concerning inns and taverns," 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 township committee of the township of Greenwich, in the county of Gloucester, and the townships of Belleville and Bloomfield in the county Commissioners to license inns and taverns.

of Essex for the time being, or a majority of them, are hereby constituted and appointed a board of commissioners for the licensing of inns and taverns in said township; and that the said board of commissioners are hereby authorized to grant licenses to persons to keep inns and taverns in said township, and to utter and sell victuals, and vinous, spirituous and other strong liquors, for the accommodation of men and provender for horses, on applications of similar form and accompanied by like recommendations as are required by the act to which this is a supplement; which licenses, when granted, shall have the same force and effect, and be subjected to the same penalties and restrictions as if granted by the court of common pleas of said county, and that hereafter the said court of common pleas shall have no power to grant licenses to keep inns and taverns in said township.

Penalty for selling without license.

2. *And be it enacted*, That without such license no person shall offer or expose for sale, or sell within said township, any ale, beer, porter or other fermented liquor by less measure than five gallons; and any person, so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not exceeding twenty dollars, together with the costs of prosecution; *provided*, that the prosecution shall be commenced within six months after the offence shall have been committed; *provided*, *nevertheless*, that nothing in this act shall be construed as releasing any person in said township from being indicted for selling liquor contrary to the laws of this state without such license.

Proviso.

Proviso.

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

Approved March 15, 1859.

CHAPTER CXLIII.

AN ACT to facilitate judicial proceedings in the county of Essex.

Number of judges increased.

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 Essex, 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 a counsellor at law of at least three years' standing.

Compensation to judge.

2. *And be it enacted*, That such additional judge, by this act provided for, shall receive a salary of fifteen 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 practise law otherwise than in the courts of said county.

Proviso.

To be president judge in absence of the circuit 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.

Special terms may be held.

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; *provided*, that no special term of said courts shall be held during the months of July and August.

Proviso.

Indictments in certain cases, how tried.

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, when-

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ever 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.

Clerk of grand juries to be appointed.

6. *And be it enacted*, That the court of oyer and terminer and general jail delivery, in and for said county, shall nominate and appoint, under their seal, an officer, to be called the clerk of the grand juries, who shall hold his office for the period of one year, unless sooner removed by the said court, which they are empowered to do at their pleasure.

Clerk to be sworn.

7. *And be it enacted*, That such clerk of the grand juries, before entering upon the duties of his said office, shall be duly sworn in open court, by the said court appointing him, and afterwards at each term thereof, well and faithfully to execute the duties of his said office; and, further, that he will keep secret the counsel of the state, the grand jury, and his own, as such clerk thereof.

Duties of clerk.

8. *And be it enacted*, That the duties of said clerk of the grand juries shall be as follows: to obtain and receive from the justices of the peace and the coroners of said county, on behalf of such grand jury, at least six days before the session thereof, all complaints, informations, examinations, inquisitions and recognizances before them, had and taken from time to time, and still remaining; to arrange such complaints, informations, examinations and inquisitions, so as to expedite the examination thereof by the grand jury, separating such of them as shall relate to persons then confined in the county jail from those which relate to persons at large; to cause subpœnas to be issued, under the direction of the prosecutor, by the clerk of the courts for said county to persons having knowledge concerning alleged offenders then in said jail, to appear before the grand jury immediately upon their session; and during the session of the said grand jury to issue like subpœnas, from time to time, as may be requisite; to aid the grand jury, or any committee or member thereof, in forwarding their business and in the examination of witnesses, and to record substantially in a book, to be provided, the evidence

of all witnesses sworn, and generally to aid and assist the grand jury, according to his discretion and ability in the discharge of their duties.

Compensation to clerk.

9. *And be it enacted*, That the said clerk of the grand juries shall receive from the board of chosen freeholders of said county, at each term at the rising of the grand jury, the sum of fifty dollars as compensation for his services.

Complaints, examinations, &c., to be delivered to clerk.

10. *And be it enacted*, That it shall be the duty of the justices of the peace of said county of Essex to deliver to the clerk of the grand juries seven days before each session of the courts of said county, all complaints, examinations, informations and recognizances before them had or taken and remaining; and if any justice shall omit so to do, he shall forfeit and pay to and for the use of the county, one hundred dollars, to be sued for in an action of debt by the chosen freeholders thereof.

Residence of complainant and of party charged to be stated.

11. *And be it enacted*, That in all affidavits, complaints, informations, examinations and recognizances, hereafter to be taken by any justice of the peace, or coroner, residing in the city of Newark, touching any matter of a criminal nature, such justice shall state the street and number, if any, at which the party deposing therein, and also the party charged, resides, or may conveniently be found; *provided*, that nothing herein contained shall be construed to invalidate any such paper by reason of the omission to make such statement.

Proviso.

Justices of the peace may issue subpœna, &c.

12. *And be it enacted*, That it shall be lawful for justices of the peace in and for said county, whenever any person shall be charged before them with the commission or suspicion of any crime, to issue a subpœna, or if need be, a warrant, commanding the bringing before them forthwith of any person who shall be, in their judgment, necessary or proper to be examined as a witness for the state against any person so charged, and to take the examination of such person in writing under oath.

Capias ad testificandum may be issued.

13. *And be it enacted*, That it shall be lawful for the grand jury of said county, or the clerk of the grand juries, when-

ever they shall think it necessary for the furtherance of public justice, to issue a capias ad testificandum for the bringing before them of any person whom it shall be necessary or proper to examine as a witness before said grand jury, which process shall be issued under the seal of the court as heretofore, by the clerk thereof, and shall be endorsed with his signature by the clerk of the grand juries; *provided*, that no person shall be detained under such process after being examined before the grand jury, unless the court, on representation of said grand jury, shall so direct or shall order him to recognize for appearance to testify on the trial of any indictment found or to be found; and *provided, further*, that all such process not ordered by the grand jury, shall be endorsed with his approval by the prosecutor of the pleas for said county.

Proviso.

Proviso.

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

Approved March 15, 1859.

CHAPTER CXLIV.

A SUPPLEMENT to an act entitled "An act to alter the boundary line between the townships of Washington and Roxbury, in the county of Morris."

Part of Washington annexed to Roxbury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Washington, in the county of Morris, lying northerly

and northeasterly of a line commencing at a point in the stream called the Raritan river, which runs out of Budd's lake, and which point is near the forge lately owned by Jacob S. Welsh, now deceased, and where the old boundary line strikes said stream, and running in a direct line across the mountain to the bend in the public road, near the house of widow Rarick, which road leads from Bartleyville to Hackettstown, and is the old boundary line between said townships, be and the same is hereby set off from the township of Washington and attached to and made part of said township of Roxbury.

Part of former act repealed.

2. *And be it enacted*, That the act to which this is a supplement, so far as it conflicts with the provisions of this act, be and the same is hereby repealed.

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

Approved March 15, 1859.

CHAPTER CXLV.

AN ACT to confirm the title of "the trustees of the First Particular Baptist Church of Paterson," to land late of Rachel Jackson, deceased.

Preamble.

WHEREAS, Rachel Jackson, late of the city of Paterson, in the county of Passaic, now deceased, and late wife of John Jackson, at and before her death, was seized in fee simple of that certain lot of land and premises, situate

in said city of Paterson, beginning on the south side of Fair street and in the east line of a lot in the occupation of Cornelius Cluistie, and running thence along Fair street easterly thirty-four feet six inches, to a lot owned by Ephraim and Thomas Thompson, thence southerly along the line of said lot at right angles to Fair street, seventy-five feet, thence westerly parallel to Fair street thirty-one feet more or less, to the line of the aforesaid Cornelius Cluistie, thence northerly seventy five feet to Fair street at the place of beginning, as described in a deed from Garret Van Wagoner and wife, to the said Rachel Jackson, dated March eighteenth, one thousand eight hundred and fifty-eight, and recorded in the clerk's office of the county of Passaic, in book C. 2, of deeds, pages 549, &c. &c., subject however to the support of her husband John Jackson during his lifetime; and the said Rachel Jackson did make and execute a last will and testament, bearing date the twenty-eighth day of August, eighteen hundred and fifty-eight, and did thereby, among other things, devise the said lot of land and premises or the proceeds thereof, upon the death of her said husband, to the trustees of the First Particular Baptist Church, of Paterson, of which the Rev. Mr. Babcock was pastor at the time of the execution of said will; and the said will being invalid by reason of the said Rachel Jackson being a woman covert at the time of the execution thereof; and since the death of the said Rachel Jackson, the said John Jackson, by his agreement under seal, bearing date the twenty-second day of November, eighteen hundred and fifty-eight, duly made and executed between him, the said John Jackson, of the one part, and the trustees of said church, of the second part, did agree to release to the trustees of said church, all his right, title and interest in and to the said lot of land and premises, subject to the use thereof by him during his natural life; AND WHEREAS, the said Rachel Jackson has left no children, nor any heirs whatever, by means

whereof a question has arisen whether the said land has not escheated to the state of New Jersey, therefore,

Title vested in trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest which the state of New Jersey hath acquired, or may acquire, of, in and to the said lot of land and premises, be and the same is hereby relinquished and released to, and vested in the trustees of the First Particular Baptist Church, of Paterson aforesaid, and that the title to the same in fee simple, be and is hereby vested and confirmed in the trustees of said church and their assigns, subject, however, to the use thereof by the said John Jackson during his natural life, and subject also, to all the conditions and stipulations of the agreement made and entered into between the said John Jackson and said trustees, as aforesaid.

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

Approved March 15, 1859.

CHAPTER CXLVI.

AN ACT to incorporate the Newark Tanning Company.

Preamble.

WHEREAS, it is represented to the legislature, that the persons hereinafter named and others, have associated themselves together for the purpose of carrying on at

the city of Newark, in this state, the business of tanning and manufacturing into leather, hides and skins, and of carrying on and transacting business incident to and connected with the same, and to and with such tanning and manufacture, and the aid of the legislature in the promotion of their views has been requested; and it appearing to the legislature that it will conduce to the public interest to grant such aid; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel M. Wilson, Daniel Price, William B. Guild, Isaac M. Ward, and John W. Stout, Jr., and the survivors of them, and all such persons as may hereafter be associated with them for the purpose expressed in the preamble of this act, their successors and assigns, shall be and they are hereby incorporated by the name of "The Newark Tanning Company," and by that name they and their successors and assigns are hereby constituted a body corporate and politic in law.

Amount of capital stock.

2. *And be it enacted*, That the original capital stock of said company, shall be one hundred thousand dollars, with power to increase the same to any amount not exceeding in the whole five hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each.

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than five, nor more than thirteen directors, being stockholders, a majority of whom shall be residents of the state, one of whom to be president, who, after the first directors hereinafter named, shall hold their offices for one year, and until others shall be elected in their stead; the number of said directors to be fixed from time to time by the stockholders at their annual meeting; that the first election for directors of said company shall be held on the third Tuesday of January, in the year of our Lord one thousand eight hundred and sixty, and on the third Tuesday in January, annually thereafter, at such time and place in the city of Newark, as the directors for the time being shall direct, of which election public notice shall be

given in two of the newspapers printed in the city of Newark, aforesaid, at least two weeks previous to such election; and the first directors shall be Daniel M. Wilson, Daniel Price, William B. Guild, Isaac M. Ward, and John W. Stout, Jr., who shall hold their offices until the third Tuesday in January, in the year of our Lord one thousand eight hundred and sixty, and until others shall be elected in their places. First directors.

4. *And be it enacted*, That it shall be lawful for the directors of the said company to call and demand from the said stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon, if such payments shall not be made within sixty days after notice requiring such payment, shall have been published for that time in two of the newspapers printed in the city of Newark, aforesaid. Payment of instalments.

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

6. *And be it enacted*, That the stock and property of the said company, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and no transfer of stock shall be valid, unless it be entered or registered in the book or books to be kept by the directors for that purpose. Stock transferable.

7. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and fifty-six, and the acts supplementary thereto, and amendatory thereof, so far as the same are applicable. Restrictions and liabilities.

Limitation.

8. *And be it enacted*, That this act shall take effect immediately, and be continued in force twenty years.

Approved March 16, 1859.

CHAPTER CXLVII.

AN ACT to authorize the inhabitants of the township of Matavan, township of Manalapan, county of Monmouth, township of Lafayette in county of Sussex, to vote by ballot at town meetings.

Officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Matavan, Manalapan, in the county of Monmouth, township of Lafayette in county of Sussex, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, one overseer of the poor, as many overseers of the highway as there are road districts, a town committee consisting of three persons, a superintendent of common schools, as many justices of the peace as the township may be constitutionally entitled to elect, one constable, two pound keepers; and shall also, upon the same ballot,

vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

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

Manner of conducting election.

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

Town meeting to fill vacancies, &c.

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

thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Clerk to keep minutes, &c.

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

Overseer of the poor to make annual statement.

6. *And be it enacted*, That the overseer of the poor shall, at least ten days before the town meeting, prepare and lay before the town committee his annual report, now required by law to be made to the town meeting, and the town committee shall prepare their annual report, and before the town meeting shall cause the same, together with the reports of the overseer of the poor, to be published in the newspaper printed and circulating in the said township; and in case no newspaper be published in said township, then the town committee shall, at least five days before the town committee meeting, have copies of their annual report and of the reports of the overseer of the poor, posted up in three of the most public places in the township.

Reports of town committees, &c., to be filed.

7. *And be it enacted*, That the reports of the town committee and the overseer of the poor shall be filed and preserved by the town committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under the act shall be held at the place appointed at the last town meeting, unless otherwise changed, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the

judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for additional duties required by this act, as they may deem reasonable. Compensation to officers of election.

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

Approved March 16, 1859.

CHAPTER CXLVIII.

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 the water commissioners of the city of Hoboken, shall 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, and also upon lots or buildings where the water is taken, if 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; which prices and sums so fixed and assessed shall be denominated Water Rents, Assessment of water rents.

of the time of payment of which the commissioners shall give at least thirty days' public notice, by advertisement in a newspaper printed in Hoboken and also the penalties to be incurred for delaying the payments beyond the time so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith, and on and after the twentieth day of December, in each year, the water commissioners shall deliver to the mayor and council of said city, a certified account of all the water rents and penalties remaining unpaid at that date, and the council shall order the same to be delivered into the hands of the collector of the arrears of taxes of said city, who shall charge interest thereon, at the rate of twelve per cent. per annum, and five per cent. for collections, and is empowered to proceed in the collection of the said rents and penalties in the manner and form prescribed by the charter of the city of Hoboken, for the collection of the arrears of taxes, and the amount of such arrears and interest, when collected, shall be paid to the treasurer of the said water commissioners, by the said collector of arrears; and the said collector of arrears, on the first day of May succeeding the time when the certified list of the rents and penalties, remaining unpaid, shall have been delivered to him by the said council, shall deliver to the city clerk a certified copy of all rents and penalties remaining unpaid at that date, together with the interest and expenses due thereon; and the council of said city shall proceed to advertise and sell the lands and premises liable to such rents and penalties in the manner and under the same terms and conditions as prescribed in section forty-eight of the charter of said city; and in the event of the purchase of any lands or tenements by the treasurer of said city on behalf of the city, then the said treasurer shall immediately pay over to the treasurer of the water commissioners the amount of rents and penalties for which the same may be sold; all moneys received by payments or sales by the said collector of arrears, shall be by him paid over to the treasurer of the water commissioners.

2. *And be it enacted*, That the words, "and all chattels," where they occur in section third of said act, are hereby annulled and shall be taken to be of no effect in the collection of the interest of the water bonds of said city. Part of former act annulled.

3. *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 Hoboken, against any persons for money due for 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 other apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water. Commissioners authorized to prosecute, &c.

4. *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, any pipe, machinery or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court, and nothing in this act or the act to which this is an amendment, shall be construed to exclude any inhabitant of the city of Hoboken from being a witness in any prosecution authorized by this act. Penalty for injuring works.

5. *And be it enacted*, That the commissioners shall on the first Tuesday in May of every year make a report to the mayor and council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same; they shall also publish the same in the newspaper published in the city of Annual report to be made.

Hoboken, having the largest *bona fide* circulation of said city.

Part of former act repealed.

6. *And be it enacted*, That the powers conferred upon the mayor and council under the eighth section of the act to which this is a supplement, be and the same are hereby repealed, vested in and may be exercised by any justice of the supreme court at chambers, who, for conducting and determining the proceedings, shall be paid by the treasurer, out of the contingent fund of said city, a reasonable compensation.

Public act.

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

Approved March 16, 1859.

CHAPTER CXLIX.

AN ACT to incorporate the South River Bridge Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Whitehead, Thomas Booream, Thomas McDowall, John Whitehead, Thomas Peterson, John R. Reid and John I. Snedeker, and their associates and successors, are hereby constituted a body corporate by the name of "The South River Bridge Company," for the purpose of building a draw or swing bridge over and across South River, at or near the village of Washington, in the county of Middlesex.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed by seven directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are appointed, and a majority of the directors shall be a quorum for the transacting the business of the company; and that the said Samuel Whitehead, Thomas Booream, Thomas McDowell, John Whitehead, Thomas Peterson, John R. Reid and John I. Snedeker, shall be the first directors of the said corporation, shall hold their offices for one year and until others are legally chosen, and that the time and manner of electing future directors, and of filling vacancies, and all other matters appertaining to the concerns of the said corporation, shall be managed, governed and regulated by the by-laws of the said corporation. First directors.

3. *And be it enacted*, That the capital stock of said corporation shall be two thousand dollars, in shares of ten dollars each, with the privilege of increasing the said capital stock to three thousand dollars. Amount of capital stock.

4. *And be it enacted*, That the books of subscription to the said capital stock shall be opened under the direction of the board of directors, and subject to such rules and regulations as they may prescribe; and it shall be lawful for the directors or a majority of them, from time to time, to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares and all previous payments thereon, if such payment shall not be made within thirty days after the day fixed for that purpose, by a notice in writing previously served on each stockholder or their representatives, or left at their usual place of abode, designating the proportion or amount of such payment and the time when and the place where and to whom the same shall be made, and the stock of the said corporation shall be deemed personal property, and transferable on the books of the company in such manner as the by-laws may provide. Directors to open books of subscription.

Description of bridge.

5. *And be it enacted*, That it shall be lawful and the duty of the said company to build said bridge at least twelve feet in width, with good and sufficient side rails, for the safety of travellers, and construct a convenient draw or swing therein of at least forty feet opening, with good and sufficient wings, at least twelve feet, planked upon each side of said draw, to be placed in the most convenient place for the navigation of said creek, and provide a suitable person to open the said draw at all times for the passage of masted vessels, so that the full and free navigation of said creek shall not any time be obstructed or impeded; and on failure to attend said draw and open the same for the free passage of such vessels on their arrival at said bridge, the said company shall be liable to an indictment in the county of Middlesex, and if convicted to be fined, in the discretion of the court, in any sum not exceeding twenty-five dollars, and also liable to an action of damages at the suit of the party aggrieved.

Company to keep bridge in repair.

6. *And be it enacted*, That the said company shall at all times, after building the said bridge, support, uphold and maintain the same, and at all times keep it in good repair and safe for those who may have occasion to pass over said bridge with their horses and carriages or otherwise, and may at their discretion, if the said bridge should be carried away by any cause, rebuild the same.

Rates of toll.

7. *And be it enacted*, That it shall be lawful for the said company at all times to take, demand and receive of and from every person or persons who shall pass over the said bridge, when they shall enter upon the same, the following rates of toll and no more, that is to say:—

For every person on foot, one cent.

For every person on horse or mule, two cents.

For all wagons, carts, sleighs or sleds drawn by one horse, mule or oxen, three cents.

For all one horse pleasure carriages, three cents.

For all two horse pleasure carriages or stages, four cents.

For all two horse, mule or ox wagons, carts, sleighs or sleds, four cents.

For all four horse, mule or ox carriages, of every kind, six cents.

For all cattle or horses, one cent.

For all hogs, calves and sheep, half cent.

And all other articles and things not herein enumerated, to be in equitable proportion; *provided always*, that said directors have power to reduce said rates. Proviso.

8. *And be it enacted*, That it shall be lawful for any toll-gatherer having charge of said bridge to stop any person on foot, every person, horse or mule, with or without wagons, carts, sleighs or sleds, all pleasure wagons, and all cattle, horses, hogs, calves and sheep from passing over said bridge until the toll as above specified shall have been paid. Travellers, &c., may be detained until toll is paid.

9. *And be it enacted*, That if any person or persons having the command of any vessel shall do any damage to said bridge or draw, or keep it open more than fifteen minutes, when the same is not absolutely necessary for the passage of some masted vessel or boat, shall forfeit and pay the sum of twenty-five dollars, and also be liable for all damage that may be done to said bridge or draw, to be recovered in any action of debt before any court having competent jurisdiction, with costs of suit. Penalty for injuring works.

10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the acts supplementary thereto and amendatory thereof, as far as the same are applicable. General powers.

11. *And be it enacted*, That the said company may construct roads on the salt meadows, on either side of said creek from the said bridge to the upland, and put and keep the said roads in good condition and repair, in order to maintain a good and safe way for the passage of public travel. Company may construct roads.

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

Approved March 16, 1859.

CHAPTER CL.

AN ACT to annex part of the township of Alexandria, in the county of Hunterdon, to the township of Bethlehem, in said county.

Boundaries of part annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Alexandria, in the county of Hunterdon, embraced within the following limits, be annexed to the township of Bethlehem, in said county: beginning at a point in the line of the township of Alexandria and Bethlehem, where the line of land of John R. Smith and James M. Train crosses the same; thence a westerly course along the line of land of John R. Smith, David F. Ween, Philip L. Hawk and Spencer C. Smith, to the pine hollow brook; thence down said brook to the Musconetcong creek; thence up the said creek to the corner of the township of Bethlehem; thence along the line of the township of Bethlehem to the beginning.

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

Approved March 16, 1859.

CHAPTER CLI.

A FURTHER SUPPLEMENT to "An act to authorize the construction of works for the supplying of Jersey City and the places adjacent with pure and wholesome water," approved March twenty-fifth, eighteen hundred and fifty-two.

Commissioners may expend moneys on works between Passaic and Hudson rivers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "within the corporate limits of Jersey City," contained in section sixteen of a supplement to the act entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved sixteenth of March, eighteen hundred and fifty-four, shall not be construed so as to prevent the water commissioners of Jersey City from expending any necessary moneys authorized to be raised and appropriated by the original act or supplement above mentioned upon any portion of the line of their works between the Passaic and Hudson rivers.

Approved March 16, 1859.

CHAPTER CLII.

AN ACT to incorporate the West Jersey Central Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Corson, Jeremiah Edmunds, John Dougherty, Amos Rudderow, Eli B. Wales, David Reeves, Nelson Tomlin, Eleazer Crawford, Benjamin F. Lee, John G. Rosenbaum, and William Halsted, and such other persons as may subscribe to the stock hereby authorized, and their successors, shall be and they are hereby created a body politic and corporate in fact and in law, by the name of "West Jersey Central Railroad Company."

First directors.

2. *And be it enacted*, That the said persons named in the first section of this act be appointed the first directors of the said company, and commissioners 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.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one million of dollars, with the privilege of increasing the same from time to time to any sum not exceeding two millions of dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, transferable only on the books of the company, in such manner as the directors of the said company by by-laws or otherwise may direct.

Election of president.

4. *And be it enacted*, That the directors of said company, at their first meeting, and at each annual election of said company, shall 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 company shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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 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 office until new ones shall have been chosen in their places.

Duties and powers of directors.

6. *And be it enacted*, That six directors of the 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 instalments and at such times as they may direct, and in case of the non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said company, and also shall have power to appoint a secretary and treasurer, 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.

Company authorized to construct road.

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 or lateral roads from one or more suitable place or places in the county of Cape May and the counties of Cumberland, Salem, Gloucester and Camden, to, through or near Dennisville, Port Elizabeth, Millville, Malaga, Glassborough and Woodbury, not exceeding one hundred feet in width, except in such places where, from the depth of 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, 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 land and waters for the purpose of exploring, surveying, levelling or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property, and when the route or routes of such road shall have been determined upon, and a survey of such route 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 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, route or routes 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 or roads, 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, 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 or roads, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

8. *And be it enacted*, That when the said company or its agents cannot agree with notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie or the owners reside, 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 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 to 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 said 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 Proceedings in case company and owners cannot agree.

which the lands 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 the same 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 interests and costs, in any 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 on 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 of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case.

Parties dissatisfied 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 justices 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 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 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 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 shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against said

company and execution awarded therefor; but if the same 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; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report. Proviso.

Rates of transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon as they may think reasonable, expedient, or right; *provided*, that they shall not charge more than at the rate of eight cents per mile per ton for the transportation of property on the said road or roads, or five cents per mile for carrying each passenger on said railways in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to 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.

Company to construct and keep in repair bridges.

11. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages, over and under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby, and also, where the said road

shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

Dividends.

12. *And be it enacted*, That the president and directors shall within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper 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.

13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad enjoyed under the provision 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.

What real estate may be held

14. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, and at intermediate depots upon the line of the said road not exceeding ten acres at each place, and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements, as they may deem expedient for the safety of property and the construction of cars, carriages, steam engines, and for other necessary uses, and shall also have the privileges and authority to erect, build and maintain in said counties, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, which said lands shall be obtained in the manner provided for in the second section of this act.

Annual tax to be paid.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished, so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of

the cost of the said road, including all expenses and the amount of all purchases, made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road until the net income of said road shall amount to six per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to six per centum upon its cost the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually hereafter on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Proviso.

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 build, construct, or repair said road, and furnish the said company with all 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 company, at a rate of interest not exceeding seven per centum per annum. Company may borrow money.

17. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and 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 legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons, on their part, for two months after their said appointment by the said chief justice, then the three persons so appointed State may take road on payment of appraisement.

by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of the said road, and of all the receipts and disbursements of the 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 valuation of said road, with the lands and appendages thereof.

Proviso.

Commencement and completion of road.

18. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth day of June next ensuing, that then and in that case this act shall be void.

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

Approved March 16, 1859.

CHAPTER CLIII.

A SUPPLEMENT to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March eleventh, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien given by the act to which this is a supplement, shall be and is hereby extended to all buildings of whatever description within this state, and to the lots of land and curtilages whereon the same are erected, for all debts contracted by the owner or owners thereof, or by any other person with the consent of such owner or owners in writing, for work done or materials furnished for or about the repairing of such buildings, or any of them; *provided*, the agreement be made a matter of record in the office of the clerk of the county; *provided also*, that said lien shall not be valid against a bona fide purchaser or mortgagee before said lien is filed in the office of the clerk of the county. Provisions of act extended. Proviso.

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

Approved March 16, 1859.

CHAPTER CLIV.

AN ACT relative to Main street, in the town of Greenwich, in the county of Cumberland.

Preamble. WHEREAS, in the original location of the town of Greenwich, in the county of Cumberland, Thomas Chalkley laid out and dedicated to the public use the Main street of said town, one hundred feet in width; AND WHEREAS, the precise location of said street or road has been lost, in consequence of which the public has no adequate means of protection against the encroachments of the land owners adjoining said street; AND WHEREAS, the inhabitants of said township, at the last annual town meeting, appointed Samuel C. Fithian, John F. Keen and Ercurius B. Fithian, esquires, a committee to apply to the legislature of New Jersey for an act appointing three commissioners to locate the said public street:

Commissioners to lay out street. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Belford M. Bonham, David Tomlin and Ercurius B. Fithian, be and they are hereby appointed commissioners to ascertain the location of said street, and to lay out the same by courses and distances; but in case the said location and courses and distances cannot be found, then re-lay out said street as follows: beginning at Cohansey creek and laying the same to the late residence of Charles B. Fithian, deceased, not less than ninety feet in width; thence to John Tyler's house not less than eighty-five feet in width; thence to Samuel Mulford's stone house not less than eighty feet in width; thence to Pine Mount Run not less than four rods in width, and there to end.

Return and map to be filed. 2. *And be it enacted*, That the said commissioners shall cause the street so laid out to be marked at proper distances in the line of the same, and make return thereof, with a map or draught of the same, with the courses and

distances, to the clerk of the court of common pleas of the said county of Cumberland, who is hereby required to record the said return in the road book of said county; which said street, from the time of recording the same as aforesaid, shall be a public highway, and as such to be repaired and kept in good order.

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

Approved March 16, 1859.

CHAPTER CLV.

AN ACT to authorize the inhabitants of the township of Lower Alloway's Creek, in the county of Salem, to vote by ballot at their town meetings.

Officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Lower Alloway's Creek, in the county of Salem, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now, or hereafter may be, fixed by law; that is, in the said township, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor,

as many overseers of the roads as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective township may be constitutionally entitled to elect, one or more constables, one or more pound keepers, and all such other officers as the inhabitants of the said township now are or hereafter may be authorized to elect, and also upon the same ballot designate the place for holding the next town meeting.

Officers of election.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace, in the said township of Lower Alloway's Creek, shall be, and are hereby, authorized and required to receive and canvass at the same time, and in the same manner, the votes for the several township officers as aforesaid; and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided, however*, that when no justice or justices of the peace are to be elected, it shall be lawful for the officers aforesaid to open the polls at nine o'clock A. M., and close the same at two o'clock P. M., the same day.

Proviso.

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

Approved March 16, 1859.

CHAPTER CLVI.

SUPPLEMENT to the act entitled "An act to incorporate the Mount Holly and Jobstown Turnpike Company."

Company authorized to construct road.

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 construct and make extension of said turnpike road, commencing at the termination of the aforesaid road, in the village of Jobstown, and to extend from thence along the Monmouth road to the village of Plattsburg, in the county of Burlington, or so much and so far along said road as may be deemed advisable to extend and construct said turnpike road; the said company, in the construction thereof, to be governed and restricted in all respects as prescribed by said law to which this is a supplement, and to be entitled to all the privileges and benefits arising from the charter of said road, agreeably to said law.

Part of former act repealed.

2. *And be it enacted*, For the purpose of constructing the extension of said turnpike, that such part and so much of the public highway as laid out by the commissioners appointed by the legislature of the state of New Jersey, under the act entitled "An act for appointing commissioners to lay out and open a direct road from the court-house, in the county of Monmouth, to Mount Holly, in the county of Burlington," passed March sixteenth, one thousand seven hundred and ninety-six, be and the same is hereby repealed.

Proceedings in case road is not kept in repair.

3. *And be it enacted*, That in case application be made to one of the judges of the court of common pleas, for the appointment of three disinterested freeholders, to view said road, and see whether it is in such a state as the law requires to be kept, notice thereof in writing shall be served the treasurer, president, or one of the directors of said company, and if the toll gates be not opened to allow persons travelling to pass free of toll in twenty-four hours after

service of such notice, then it shall be lawful for said judge to appoint said freeholders to view said road, and in case the said company having opened said toll gates after the service of said notice shall close said gates, and demand and take toll from travellers, before said road is in proper order, then it shall be lawful for the said judge to appoint the freeholders to view said road, without further notice to said company, agreeably to the nineteenth section of said law, to which this is a supplement.

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

Approved March 16, 1859.

CHAPTER CLVII.

AN ACT to incorporate the Franklin Fire Engine Company of the city of Burlington.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas B. Sherman, Robert T. Willits, Amos Hutchin, Isaac R. Perkins, Charles Horn, Joseph N. Parker, Charles Hortsmann, Francis Inglin, Ellwood K. Matlack, James Harris, Alfred Inglin, Hugh Armstrong, William D. Cheeseman, Jacob B. Vanschuyver, Charles Ettinger, John T. Severn, Joseph H. Stiles, and all other persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Franklin

Fire Engine Company of the city of Burlington, 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 Franklin Fire Engine Company of the city of Burlington.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of four thousand dollars, which shall be applied to the purchase of real estate, the erection of an engine house or houses thereon, and the procuring, maintaining and repairing such fire engines, hose carriages, hose, ladders, buckets, fire hooks, and such other implements and machines 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; and shall have power to borrow such sum or sums of money as may be necessary to pay for the same, and to secure the payment thereof by bond and mortgage or otherwise on the said real and personal estate.

Election of president.

3. *And be it enacted*, That the said company 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 according to the 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 the said company.

Part of members exempt from jury duty.

4. *And be it enacted*, That the first thirty acting members enrolled in this company shall be exempt from serving as jurors in any of the courts in this state.

Act may be amended.

5. *And be it enacted*, That it shall and may be lawful for the Senate and General Assembly of this state at any time, to amend, modify or repeal this act, as they shall think proper.

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

Approved March 16, 1859.

CHAPTER CLVIII.

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 township of Springfield in the county of Union.'"

Provisions of former 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, be and the same are hereby extended to the township of Springfield in the county of Union.

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

Approved March 16, 1859.

CHAPTER CLIX.

AN ACT to change the name of the First Presbyterian Congregation of Freehold to the First Presbyterian Church of the county of Monmouth, and to authorize the trustees thereof to assess sums of money as a tax or rent on the pews of their church.

Name of congregation changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the First Presbyterian Congregation of Freehold be and the same is hereby changed to the First Presbyterian Church of the county of Monmouth, and by that name the trustees thereof are hereby authorized and empowered to assess such sums of money, as a tax or rent upon the pews of the said church, as may be necessary to defray the annual current expenses of the congregation, to be made payable in such manner as the said trustees may direct; and in default of the payment of the said tax or rent so assessed as aforesaid, for the space of one year, the said pew or pews may be sold by the said trustees for the shortest period of time practicable, to pay all arrears thereon.

Act, when to take effect.

2. *And be it enacted*, That this act shall not take effect until it shall have been submitted to the congregation of the said church, at their next annual meeting, on the third Tuesday of April next, and approved by two-thirds of the contributors to the expenses of said congregation who shall be present at said annual meeting, and a certificate thereof, signed by the president of the board of trustees, shall have been filed in the office of the secretary of state of this state.

Approved March 16, 1859.

CHAPTER CLX.

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

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin A. Hamell, Charles S. Garrett, S. Scull, J. C. De La Cour, Charles Sloan, P. C. Brinck and John G. Stokes, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Cooper Rolling Mill Company," for the purpose of manufacturing iron, and other commodities and articles of which iron forms a constituent part, and for the transaction of such business as may be properly connected therewith; and may raise by subscription a capital of seventy-five thousand dollars, in shares of fifty dollars each, with the privilege of increasing it as hereinafter provided; and that the mills and manufactories of the said company shall be located in the county of Camden; but it may, nevertheless, be lawful for said corporation to manufacture or procure the raw material used by said mills or manufactories, at such points and places as the said corporation shall deem most advantageous.

Amount of capital stock.

What property may be held.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy any such real estate, machinery, goods, effects and chattels whatsoever, as shall be necessary and expedient to said corporation to carry on its business; and, whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

Books of subscription may be opened.

3. *And be it enacted*, That it shall and may be lawful for the associates named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said corporation; and whenever the sum of seventy-five thousand dollars shall have been subscribed, and at least twenty thousand dollars actually paid in, and an affidavit

thereof, made by two or more directors of said corporation, shall be filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act.

Increase of capital stock.

4. *And be it enacted*, That the said corporation may, by a vote of the stockholders thereof, from time to time, increase its capital stock until it amounts to the sum of two hundred and fifty thousand dollars; and it shall be lawful for the 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 times and in such proportions as the said directors shall see fit, under the pain of forfeiture of their shares, and all previous payments thereon, to the said corporation, the said stockholders being notified at least thirty days previous to the time of payment of each instalment; and, at each increase of capital, an affidavit thereof shall be filed in the office of the secretary of state, as before provided, and the capital stock of said corporation shall be deemed personal estate, and be transferable upon the books of said corporation; and no part of the said capital stock shall be, at any time, or upon any pretence whatever, divided among the stockholders for dividends; neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the company are fully paid, and an affidavit thereof, and of the amount of capital proposed to be withdrawn, or refunded to said stockholders, filed in the office of the secretary of 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 votes so cast.

Election of directors.

5. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than three nor more than nine directors, one of whom the said directors shall appoint their president, who shall be a

resident of the state of New Jersey; and the said directors shall be stockholders in said company, and shall hold their offices for one year and until others shall be chosen to fill their places; they shall be elected at the annual meeting of the stockholders, to be held on the first Tuesday of February, 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 associates named in this act, with such others, being stockholders, as they shall appoint, shall be the directors of the said corporation; a majority of the directors shall, on all occasions, when assembled at such place as the by-laws shall prescribe, constitute a board competent to transact business, and all business 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.

Annual statement 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 officers of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the corporation, as nearly as the same can be ascertained, that the same is correct to the best of their knowledge and belief.

Dividends.

7. *And be it enacted*, That dividends of so much of the profits as the directors may think advisable may be declared on the first day of January in every year, and to be paid to the stockholders, or their legal representatives, at any time on demand after the expiration of thirty days from such declaration.

Corporation not dissolved for failure to elect on day prescribed.

8. *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 dissolved; but the stockholders may proceed to

hold an election on any other day, ten days' notice being given of the time and place of such election.

Lands, &c., may be taken in payment for stock.

9. *And be it enacted*, That any land or property, or materials used in manufacturing up, which may be received in payment for subscription for stock, shall be taken at a valuation approved by a majority of the board of directors, or by a majority of the stockholders.

Books of account may be kept.

10. *And be it enacted*, That regular books of account shall be kept in the office of said company in the county of Camden, to which books any stockholder may have free access, at all seasonable 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.

General powers.

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

Act may be amended.

12. *And be it enacted*, That the legislature may alter, amend, or repeal this act whenever, in their judgment, the public good requires it.

Approved March 16, 1859.

CHAPTER CLXI.

AN ACT regulating the public printing.

Current printing of senate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Naar, of Trenton, New Jersey, be employed to execute the current printing of the senate, during the present session thereof.

Current printing of assembly.

2. *And be it enacted*, That J. R. Freese, of Trenton, New Jersey, be employed to execute the current printing of the house of assembly, during the present session thereof.

Journal of senate, &c.

3. *And be it enacted*, That William H. Hemenover, of Hoboken, New Jersey, be employed to print the journal of the senate and appendix thereto, and the proceedings of joint meeting, with an index, for the current year, in as compact a form as a proper execution of the work will admit.

Minutes of assembly, &c.

4. *And be it enacted*, That Sharp & Chew, of Salem, New Jersey, be employed to print the minutes and appendix of the house of assembly, with an index thereto, for the current year; and that both the journal of the senate and minutes of the house of assembly shall be printed in every way to correspond in compactness and manner of execution and size of page, with a running head line, specifying the day and date of the month, as per sample of journal of the Vermont house of representatives of 1852, now on file in the office of the secretary of state of this state.

Laws.

5. *And be it enacted*, That Tunis & Stout, of Freehold, New Jersey, be employed to print the laws which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution of the work will admit of, on large octavo pages, trimmed as directed by the secretary of state, and bound as per sample filed with the secretary of state, and in all other respects, namely: printing, binding and paper, to correspond with the sample of

the laws of eighteen hundred and fifty-eight, now on file in the office of the secretary of state.

Bills to be audited.

6. *And be it enacted*, That before the treasurer shall pay for the printing hereby directed, the secretary of state shall audit the bills and certify to him in writing that the work has been executed in all respects as herein directed.

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

Approved March 16, 1859.

CHAPTER CLXII.

A SUPPLEMENT to the act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns," approved April sixteenth, eighteen hundred and forty-six.

Penalty for killing game at certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter if any person or persons shall kill, destroy, or take any partridge, moor-fowl, grouse, quail or rabbit, except only between the first day of November and the first day of January yearly and every year, or any woodcock, except only between the first day of September and the first day of January, yearly and every year, he, she, or they, so offending, shall forfeit and pay for every partridge, moor-fowl, grouse, quail, rabbit, or woodcock, the sum of five dollars, for each and every offence, to be sued for and recovered in an action of debt,

with costs of suit, by any person who shall sue for the same, and on non-payment thereof shall be committed to the common jail of the county, for any period not exceeding sixty days, and until the fine and costs are paid; and any person in whose hands or custody any partridge, moorfowl, grouse, quail, rabbit, or woodcock shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of said game, and liable to the penalties aforesaid.

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

Approved March 16, 1859.

CHAPTER CLXIII.

AN ACT to incorporate the Long-a-Coming, May's Landing and Tuckerton Turnpike Company.

Commissioners to receive subscriptions.

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 they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "The Long-a-Coming, May's Landing and Tuckerton Turnpike Company," and that Andrew K. Hay, Charles Wright, Samuel S. Cake,

Joshua Duble, Ezra Stokes, Nicholas Vanschoick, Samuel Norcross, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the city of Camden.

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 any sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed, and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Proviso.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of 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 one hundred shares of said stock shall be subscribed for the said commissioners, or a majority of them, shall

call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, and until others are chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors to hold as aforesaid; and the judge of said election shall be appointed by said board; at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within one year, and the said road completed within three years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sum paid.

Election of officers.

4. *And be it enacted*, That as soon as conveniently may be, after the first and every subsequent annual election of directors, they shall elect a president, secretary and treasurer of said company for the term of one year and until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

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

Company authorized to make road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from the southern end of the Long-a-Coming turnpike road, in the county of Camden, by and through the village of Winslow, to the town of May's Landing in the county of Atlantic, and also to construct and make a branch from said road, commencing at Winslow, to end at the town of Tuckerton in the county of Burlington, at least thirty-two feet in width, and not exceeding four rods, which said turnpikes shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm and even road at all seasons of the year; and shall be so graded, that in their progress no part shall rise above an angle of four 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 or roads, not less than twenty feet in width; and whenever the said road or roads 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 and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and im-

proving said road or roads as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road or roads as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all the damages which the said owners will sustain by reason of the construction of said turnpike road or roads; and in case the said company and the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road or roads.

Proviso.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road or roads, doing no unnecessary damage thereto, and to make all such ditches and under-drains across and through such lands as may be necessary for properly draining said road or roads, and to take and carry away any stone, sand, gravel, or clay therefrom, suitable for constructing and maintaining said road or roads as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such lands, or their legal representatives, be first had and obtained, and if the owners of the land or materials as aforesaid shall not be willing to give the same for such purposes and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the

Proviso.

supreme court of this state, or a judge of the court of common pleas of the county of Camden, who is disinterested in the premises, upon application by either party, and after ten days' notice, in writing, to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice, in writing, to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county of Camden, to be by him filed as a public record, and certified copies thereof may be taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Camden, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issued, if need be, for the

same; but if the said appeal be made by the owner or owners of the land, and the court or jury shall not award or find the same, or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment, or tender of the sum so found or awarded, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in behalf of any such persons, into the circuit court of the county of Camden, or to the clerk thereof, subject to the orders of said court, for the use of the said owners, all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike roads or either of them, according to the directions, true intent, and meaning of this act, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of said road, not exceeding the following rates, to wit:—

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

For every additional beast, one cent.

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

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

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes,

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

9. *And be it enacted*, That the said company shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right, as the law directs." Rates of toll to be posted up.

10. *And be enacted*, That if any person shall wilfully break down or deface any of the mile-stones, or posts, so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of debt, or other proper action, by said company, for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, shall turn out of said road or roads to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, Penalty for injuring works.

to be recovered by the said company, for the use thereof, in an action of debt with costs of suit.

Penalty for taking illegal tolls.

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

Penalty for obstructing passage.

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

Proceedings in case road and bridges are not kept in repair.

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

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

Act, when to take effect.

14. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road or roads, is authorized to be located and made, are vacated as public highways according to law.

General powers.

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

Approved March 16, 1859.

CHAPTER CLXIV.

A FURTHER SUPPLEMENT to the act entitled "An act to revise and amend the charter of the city of Newark."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty seven, as authorizes and requires the election, at the annual charter election of said city, of a collector of taxes for each ward of said city, is hereby repealed.

Receiver of taxes to be appointed.

2. *And be it enacted*, That the common council of said city shall, from time to time, appoint a receiver of taxes for the said city, who shall possess the qualifications, continue in office for the term, and be appointed in the manner, specified in the twenty-first section of the act to which this is a supplement; and before he enters upon the duties of his office, he shall take and subscribe the oaths of office

as prescribed in the twenty-fourth section of said act, and give bond to the city, for the faithful performance of his duty, in such sum and with such sureties as the common council may approve.

Duties and powers of receiver.

3. *And be it enacted*, That the said receiver of taxes shall possess the powers, perform the duties, and be liable to the penalties and forfeitures, so far as the same are consistent with the provisions of this act, which, by virtue of the provisions of the act to which this is a supplement, belong to or are imposed upon the several ward collectors.

Commissioners of appeal to make statement.

4. *And be it enacted*, That the commissioners of appeal for said city shall, immediately after finally concluding their duties in each year, cause to be delivered to the auditor of the said city a true and particular statement of all taxes made or remitted, increased or reduced, by them.

Receivers of taxes to perform duties of ward collectors.

5. *And be it enacted*, That the duties required by the seventy-ninth section of the act to which this is a supplement to be performed by the several ward collectors, shall be performed by the said receiver of taxes, within ten days after the twentieth day of January in each year, in the same manner, and under the same penalties and forfeitures, as are therein prescribed.

Duties o justices in case of delinquent tax payers.

6. *And be it enacted*, That it shall be the duty of any justice of the peace, to whom any list of delinquents shall be returned as aforesaid by said receiver, immediately thereupon to proceed to perform the duties prescribed in the eightieth section of the act to which this is a supplement; and the warrant or warrants which may thereupon be issued, shall have the same force and effect, and be proceeded upon in all respects in the same manner, as in the case of tax warrants authorized to be issued under the provisions of the said section.

Receiver to give notice.

7. *And be it enacted*, That the said receiver shall give the public notice required to be given by the seventy-eighth section of the act to which this is a supplement, and shall also prepare the notice or demand of payment required by the same section, the service of which shall be made by

the said receiver, or otherwise as the common council may direct.

Common council to prescribe manner of collecting taxes.

8. *And be it enacted*, That the said common council shall have power, by ordinance, to prescribe and define more specifically the manner in which the said receiver of taxes shall perform his duties, and from time to time to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; and also to make such an abatement as they may deem reasonable upon all taxes paid prior to the twentieth day of October in each year, and to demand and collect, upon all taxes unpaid on the said twentieth day of October, such a percentage thereon, from time to time, in addition thereto, as they may deem reasonable; and said addition or percentage shall be accounted for and paid over by the said receiver of taxes, from time to time, with said taxes, and shall be collected in addition to the costs and charges already imposed by law, in the same manner that the said tax is collected; in case any tax, or any portion of tax, so paid prior to the twentieth day of October, shall be reduced or remitted by the commissioners of appeal, the said amount so reduced or remitted shall be returned in full to the person entitled to receive the same by the said receiver.

Former proceedings to be continued.

9. *And be it enacted*, That all proceedings in regard to the collection of taxes for the years eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, shall be continued to their completion, as if this act had not been passed.

Election of auditor.

10. *And be it enacted*, That the term of office of the auditor of accounts, to be hereafter elected, shall be three years; and in case a vacancy shall occur in said office from any cause, the common council shall fill such vacancy by the appointment of a suitable person who is eligible to such office, and at the charter election next ensuing the occurring of such vacancy, an auditor shall be elected for the said term of three years, whose term of office shall commence on the first day of January next ensuing said election.

11. *And be it enacted*, That the mayor, auditor of accounts, treasurer, and chairman of the committee of finance of the common council of said city, for the time being, shall constitute and be denominated "The Commissioners of the Sinking Fund of the City of Newark." Commissioners of sinking fund.

12. *And be it enacted*, That all moneys received after the first day of January, eighteen hundred and fifty-nine, from the following sources, to wit: (1) the net amount received for market rents, dues and fees, (2) the amount received for licenses of every kind and description, are hereby pledged, appropriated to, and shall constitute and form a fund, to be called "The Sinking Fund of the City of Newark," for the redemption of the principal of the city debt of two hundred and fifty thousand dollars, to wit: the state loan of thirty thousand dollars, borrowed from the trustees of the school fund; the loan of eighteen hundred and fifty, being twenty thousand dollars, redeemable June one, eighteen hundred and seventy; the loan of eighteen hundred and fifty-two, being fifty thousand dollars, redeemable November one, eighteen hundred and eighty; the loan of eighteen hundred and fifty-three, being fifty thousand dollars, redeemable also November one, eighteen hundred and eighty; the loan also of eighteen hundred and fifty-three, being fifty thousand dollars redeemable November one, eighteen hundred and eighty-five; and the loan of eighteen hundred and fifty-four, being fifty thousand dollars, redeemable November one, eighteen hundred and seventy-five; which moneys shall, from time to time, be paid to said commissioners, and be by them invested and employed according to law. What money to be appropriated to sinking fund.

13. *And be it enacted*, That no part of the above debt, which may be purchased by said commissioner, shall be cancelled by them until the maturity and final redemption thereof, and all interest accruing thereon shall regularly be carried to the sinking fund for the redemption of the said city debt.

14. *And be it enacted*, That the said common council shall have power, by ordinance, to prescribe and define Powers and duties of commissioners to be

defined by common council.

specifically the powers and duties of the said commissioners in accordance herewith, the manner in which the same shall be performed, and from time to time to make such regulations as may be necessary to carry into effect the true intent and meaning of this act.

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

Approved March 16, 1859.

CHAPTER CLXV.

AN ACT to incorporate the Hoboken and Hudson city horse car Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Cornelius V. Clickener, Charles T. Perry, Edmund Charles, George V. DeMott, George W. Morton, Ebenezer Montague, William W. Shippen, William H. Wood, Henry Newkirk, and James Montgomery, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and made a body politic and corporate in fact and in law, by the name of the Hoboken and Hudson city horse car 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 corporation.

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 three 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. 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 think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Hudson, and if more than one hundred thousand dollars of stock be subscribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road. Commissioners to receive subscriptions.

4. *And be it enacted*, That at the time of subscribing for said stock fifteen 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 twenty-five thousand dollars of the capital stock is subscribed for, the said company shall be organized by the said commissioners, who shall be the first directors of said company, and continue as such directors until such time in the year eighteen hundred and sixty as the said company by their by-laws may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed, and the directors chosen at every annual election of said company, shall 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 a majority of the said directors, and in the absence of the said president, a majority of the said directors may appoint a president *pro tempore*, Election of president.

who shall have such powers and functions as the by-laws of the said company shall provide.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That the number of the directors of said company shall be eleven, and in case it shall happen that an election of the 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 two of the 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 instalments.

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

Company authorized to construct road.

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 in the city of Hudson, in the county

of Hudson, to some suitable point in or south of Newark or Ferry streets in the city of Hoboken with one or more branches, which railroad and branches shall not run south of the southern boundary of Hoboken City, nor south of the Newark and Hoboken turnpike road in Hudson City, nor north of the northerly line of the city of Hudson, and to locate and construct said railroad, not exceeding thirty feet in width, except in such places where, from the depth of excavation or the height of the embankment, it is necessary to take more land for the shape 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; 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 all lands for the purpose of exploring, levelling, 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 the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands and to erect embankments, 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 for.

Route of road.

8. *And be it enacted*, That the said railroad shall not approach the Hudson river at any point to within one hundred and fifty feet of high water mark on the Hudson river without first having obtained in writing the consent of the owner or owners of the property lying along the river at that point.

Proceedings in case company and owners cannot agree.

9. *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 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 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 Hudson, 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 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 in 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 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 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 the damages to be paid by the said company, which 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 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, clerk, 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.

10. *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 Hudson, at the first term after the filing of 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 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, 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 this state or under any legal disability, then payment of the amount assessed or found as aforesaid into the circuit court of the county of Hudson, 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.

Proviso.

Company to repair highways crossed by road.

11. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said com-

pany shall restore such road or highway to such state or condition as not to impair its usefulness.

Rates for transportation.

12. *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, 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 not more than fifteen cents per ton per mile for the transportation of every species of heavy merchandise, and goods 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.

Proviso.

Dividends.

13. *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.

What real estate may be held.

14. *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 one acre in each place, and may erect and build thereon depots, warehouses, 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.

Penalty for injuring works.

15. *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.

Annual tax to be paid.

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state, of the net proceeds and expenses of said road; and as soon as the said railroad or any part thereof shall be put in operation, the said company shall pay to the treasurer of this state a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

Corporation may borrow money.

17. *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 company with all necessary rails, buildings, cars, vehicles and animals for the use and object of the 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; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

Corporation may make contracts 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 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 de-

mand 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.

Commencement and completion of road.

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

General powers.

20. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the acts supplementary thereto, and amendatory thereof, so far as the same are applicable, and that this act shall go into effect immediately, and shall continue in force for thirty years.

Approved March 18, 1859.

CHAPTER CLXVI.

A SUPPLEMENT to the act entitled "An act concerning witnesses," approved April sixteenth, eighteen hundred and forty-six.

Persons interested not disqualified as witnesses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be disqualified

as a witness in any suit or proceedings at law or in equity by reason of his or her interest in the event of the same as a party or otherwise, but such interest may be shown for the purpose of affecting his or her credit; *provided nevertheless*, that no female shall be admitted as a witness for or against her husband, except when the suit or proceedings is between her and her husband, or shall any party be sworn in any case when the opposite party is prohibited by any legal disability from being sworn as a witness, or either of the parties in a cause sue or are sued in a representative capacity.

Proviso.

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

Approved March 18, 1859.

CHAPTER CLXVII.

A SUPPLEMENT to the act entitled "An act to increase the revenues of the state of New Jersey."

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 act is a supplement as prohibits the enrolling in the office of the secretary of state, or publishing any private act therein described and assessed, be and the same hereby is repealed.

Part of former act repealed.

2. *And be it enacted*, That if the parties interested in any law referred to in the act to which this act is a supplement shall fail to pay the sum thereon assessed and declared to be payable on the same before the first day of July next ensuing the passage thereof, the same shall cease, and be inoperative and void to all intents and purposes, as though the same had not been passed. Act void if assessment is not paid in certain time.

Approved March 18, 1859.

CHAPTER CLXVIII.

AN ACT for the relief of the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every justice of the peace or other officer who shall hereafter commit any person to the common jail of the county of Hudson for detention and safe keeping, to answer to any crime or misdemeanor with which he may be charged to send with such commitment the evidence on which such person was arrested and committed, including the examination of such person, if any shall have been taken, or a full copy of the same; and if such person shall have been committed from facts known to the justice or other officer in whole or in part by the view of such justice or other officer, or orally admitted by such person in his presence, then such justice or other officer shall certify such facts or admissions speci- Evidence to be sent with commitment.

fically; and any justice of the peace who shall omit to send such evidence or examination, or copy thereof, or certificate, or who shall sign or send any such commitment without sending with the same such evidence and examination, or copy thereof, or such certificate, shall forfeit and pay to the board of chosen freeholders of said county the sum of twenty dollars for each offence, to be recovered by them in an action of debt before any court having jurisdiction thereof.

Judges to meet and examine commitments.

2. *And be it enacted*, That it shall be the duty of the judges of the court of common pleas of the county of Hudson, or two or more of them, to meet at the court house of said county on the first Monday of every month, to examine into all commitments made since their last monthly meeting, to the common jail of said county for detention or safe keeping, to answer the charge of a crime or misdemeanor, and it shall be the duty of the jailor or keeper or warden of the jail of said county to lay before such judges all commitments made since their last monthly meeting, together with the copies of evidence, examinations and certificates sent with them; and if said judges upon examining said evidence, examination and certificates, are of opinion that there does not appear on the same sufficient probable cause for the commitment and detention of the person committed, they are hereby authorized to direct the keeper or warden of said jail to discharge the prisoner from custody on such commitment by writing under their hands and seals, specifying the commitment and that it appears to them that there is not sufficient probable cause for his detention; and said judges shall hand such orders together with all the commitments and evidence, examinations and certificates received by them to said keeper or warden of the jail, who is required to discharge such prisoner from custody by virtue of said commitment.

Additional evidence may be filed.

3. *And be it enacted*, That if said judges believe or are actually informed that the want of probable cause of detention is owing to neglect or want of skill or defective form in drawing any papers, they shall adjourn to any day not

exceeding one week to permit the officer making such commitment, or the complainant or prosecutor, to lodge with the jailor other and more full evidence of the commission of the crime or misdemeanor charged, which other evidence shall then be considered by them as if it had been before the officer making said commitment.

Times of meetings of judges.

4. *And be it enacted*, That the provisions of this act shall not apply to any person committed or detained to answer any indictment or held for a crime committed in another state to await a requisition of the governor of such state, or to any person committed and held upon any conviction, or charged with a crime not triable in the court of quarter sessions; and said judges shall not meet in any month in which the court of oyer and terminer is required by law to be held in said county of Hudson, and that such judges shall not meet more than two days in any one month.

Discharge not to be a bar to indictment.

5. *And be it enacted*, That a discharge, under the provisions of this act, shall be no bar to an indictment for the offence charged or to any arrest or detention under such indictment.

Witnesses not to be detained except in certain cases.

6. *And be it enacted*, That no person shall be committed to, or detained in the jail of the county of Hudson for securing his or her appearance as a witness against any person charged with a crime or misdemeanor, except in cases of treason, misprision of treason, murder, manslaughter, arson, burglary, forgery, perjury, and subornation of perjury.

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

Approved March 18, 1859.

CHAPTER CLXIX.

AN ACT to incorporate the Star Foundry and Machine Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward J. C. Atterbury, Charles G. McChesney, Joseph W. Allen, Charles L. Pearson, William M. Force, and their associates, shall be and they are hereby created a body politic and corporate, by the name and style of "The Star Foundry and Machine Company," for the purpose of manufacturing, in the township of Acquackanonck, articles made wholly or in part of iron, steel, and other metals, and carrying on the business incident thereto.

Election of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their office for one year; and that the said directors shall be chosen on the third Tuesday in January in every year, at such place and time as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers published in the county of Passaic, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors, and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number being present when the

same shall be done; and if it (at) any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Edward J. C. Atterbury, Charles G. McChesney, Joseph W. Allen, Charles L. Pearson, William M. Force, and the survivor or survivors of them, who shall hold their office until the third Tuesday in January next after the organization of the company or until others are legally chosen. First directors.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of fifty dollars each, but as soon as four hundred shares of the said capital stock shall have been subscribed and paid in in cash, 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 it shall be lawful for the directors of the said company to call and demand from the stockholders of said company, respectively, all such sums of money by them subscribed, at such time, and in such proportion as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in the said county of Passaic. Amount of capital stock.

4. *And be it enacted*, That the subscription of the said stock shall be open at some convenient place in the township of Acquackanonck, in the county of Passaic, 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. Subscription to capital stock.

Stock transferable.

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

Proviso.

provided, that no dividends shall be made to and among the stockholders except from out of the net profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

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

Directors to make by-laws.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, or the disposition of the stock, effects, profits, and concerns of the said corporation;

Proviso.

provided, that the same are not contrary to the constitution and the 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 entered all the transactions of the said corporation, which shall at all times be open to inspection of the stockholders of the said corporation, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president and directors for that purpose.

Limitation.

9. *And be it enacted*, That this act shall continue in force for the term of thirty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act

concerning corporations," approved the fourteenth day of February, in the year of our Lord one thousand eight hundred and forty-six.

Approved March 18, 1859.

CHAPTER CLXX.

A FURTHER SUPPLEMENT to an act entitled "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six.

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to the act entitled 'An act for the preservation of sheep,' approved April fourteenth, eighteen hundred and forty-six, and the supplement thereto, approved March sixth, eighteen hundred and fifty," which said further supplement was approved March eighteenth, eighteen hundred and fifty-one, be and the same is hereby repealed.

Provisions of former act extended.

2. *And be it enacted*, That nothing in this act shall be so construed as to prevent the fourth and sixth sections of the said act entitled "An act for the preservation of sheep," to which this is a further supplement, from extending to and being in force in the township of Green, in the county of Sussex.

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

Approved March 18, 1859.

CHAPTER CLXXI.

AN ACT to incorporate the Stockton and Newton Turnpike Company.

Commissioners to receive subscriptions.

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 they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "The Stockton and Newton Turnpike Company," and that John M. Kaighn, Joseph M. Cooper, Charles Kaighn, Henry B. Wilson, and William S. Doughten, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the city of Camden.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commis-

Proviso.

sioners, or a majority of them, shall apportion the stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

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 one hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, and until others are chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, to hold as aforesaid; and the judge of said election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within one year, and the said road completed within three years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sum paid.

Officers of corporation.

4. *And be it enacted*, That, as soon as conveniently may be, after the first and every subsequent annual election of directors, they shall elect a president, secretary and trea-

surer of said company, for the term of one year and until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

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

Company authorized to construct 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 Kaighn's Point through Stockton to connect with the Haddonfield turnpike—And also to construct and make a turnpike road from the city line, on the straight road being the continuation of Market street in South ward to its intersection with the Haddonfield turnpike in the county of Camden, on or near the present public highways, at least thirty-two feet in width, and not exceeding four rods, which said turnpikes shall be sufficiently arched and drained to make and keep the same dry, at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in progress no part shall rise above an angle of four degrees with the plane of the horizon; and the

said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road or roads 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; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and improving said road or roads as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road or roads as aforesaid, they shall pay to the respective owners of the lands over which the same may pass all the damages which the said owners will sustain by reason of the construction of said turnpike road or roads, and in case the said company and the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road or roads. Proviso.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road or roads, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, sand, gravel, or clay therefrom, suitable for constructing

Proviso. and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such lands, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid shall not be willing to give the same for such purposes, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Camden, who is disinterested in the premises, upon application by either party, and after ten days' notice, in writing, to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice, in writing, to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them may seem proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county of Camden, to be by him filed as a public record, and certified copies thereof may be taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Camden, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days' notice, in writing, to

the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issued, if need be, for the same; but if the said appeal be made by the owner or owners of the land, and the court or jury shall not award or find the same, or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall not be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment, or tender of the sum so found or awarded, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in behalf of any such persons, into the circuit court of the county of Camden, or to the clerk thereof, subject to the orders of said court, for the use of said owners, all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike roads or either of them according to the directions, true intent, and meaning of this act, it shall and may be lawful for the said com-

pany to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of said road, not exceeding the following rates, to wit:—

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

For every additional beast, one cent.

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

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

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

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

Proviso.

Rates of toll to be posted up.

9. *And be it enacted*, That the said company shall cause to be fixed, and always kept up at the gate or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile-stones or posts so erected on the said road or roads for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut,

break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of debt, or other proper action, by said company, for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, shall turn out of said road or roads, to pass a gate or gates, on private grounds adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through the said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

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

Penalty for obstructing passage.

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

Proceedings in case road and bridges are not kept in repair.

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

the 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 making complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable freeholders of 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.

Act, when to take effect.

14. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road or roads is authorized to be located and made are vacated as public highways according to law.

General powers.

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

Approved March 18, 1859.

CHAPTER CLXXII.

AN ACT to equalize taxes in the county Passaic.

Mode of assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any tax shall be directed to be assessed and raised for state or county purposes in the county of Passaic, it shall be the duty of the assessors of the several wards of the city of Paterson, for the purpose of determining the quota of such state or county tax to be paid by the several wards of said city, to deduct from the valuation of the real and personal estate assessed to the person or persons, or incorporated companies, set down in their respective duplicates, the whole amount of the debts due, and owing by such person or persons, or incorporated companies, excepting debts due and owing to creditors not residing in this state; and the proportion or quota of tax to be levied and collected in each ward of said city, for state or county purposes, shall be fixed and adjusted by the assessors of the several townships and wards in said county, at their annual meeting upon the valuation of the real and personal estate assessed in each ward of said city, after deducting the said debts from such valuation as aforesaid.

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

Approved March 18, 1859.

CHAPTER CLXXIII.

A SUPPLEMENT to the charter of the city of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons, to sell within the corporate limits of the city of Salem, any spirituous liquors in quantities less than five gallons, without having first obtained a license therefor from the mayor and common council, or a majority thereof in council convened, of said city, in whom shall be vested the exclusive right and power of granting such licenses, and who may exact such restrictions and penalties as they deem necessary in relation thereto. License for sale of spirituous liquors.

Approved March 18, 1859.

CHAPTER CLXXIV.

AN ACT to confirm the will of Redmond S. Cox, deceased.

WHEREAS, Redmond S. Cox, single man, late of the county of Sussex, now deceased, on the second day of September, in the year eighteen hundred and fifty-eight, did make and execute, under his hand and seal his last will Preamble.

and testament, and thereby, after the payment of his just debts and funeral expenses, did devise and bequeath all the rest and residue of his estate unto his brother, John B. Cox, to him, his heirs and assigns, forever, and did appoint Joseph Strader, executor thereof; AND WHEREAS, also, the said Redmond S. Cox, at the time of the making of the said will, was a little under full age; that the said Redmond S. Cox has left no real estate, but died possessed of and entitled to about six hundred dollars personal estate; that the said John B. Cox is the only brother of the said deceased of the whole blood; AND WHEREAS, by reason of the non-age of the said Redmond S. Cox, doubts have arisen as to the legality of the said will, and it being represented that no serious objection exists to the said will, therefore,

Will confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said last will and testament of the said Redmond S. Cox, deceased, be and the same is hereby in all things confirmed and declared to be as valid and effectual as if he had been of full age, at the time of the execution thereof, and shall be so held and considered in all the courts, and by all the officers of this state.

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

Approved March 18, 1859.

CHAPTER CLXXV.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Deerfield, in the county of Cumberland, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law: that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or more overseers of the poor, one or more pound keepers, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, and all other money necessary for township purposes, and for the places of holding the next annual town meeting and the election of state and county officers. Officers to be elected by ballot.

2. *And be it enacted*, That the overseers of the highways of the several road districts in the township of Deerfield, in the county of Cumberland, shall be elected by the legal voters of the several road districts as they may be arranged from time to time by the township committee; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice as shall hereafter be directed in the third section of this act, which shall be within six days after the next annual Election of overseers of highways.

town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters in the township residing in such district shall assemble for the purpose of such election; and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the town meeting shall proceed as in the election of moderator to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of a failure of any district to elect an overseer, or of the person so elected to accept the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee, as required to do by law.

Notice to be given of first district road meetings.

3. *And be it enacted*, That it shall be the duty of the township committee, as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and they shall cause notice thereof to be posted up in some conspicuous place in such district at least five days before the time of holding such meeting.

Subsequent road meetings.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days from the time of holding such meeting; and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings; and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

Officers of election.

5. *And be it enacted*, That the judges of election, elected at the last or any future town meeting, shall preside at and

conduct the election at the next annual town-meeting, and the clerk of said township shall be the clerk thereof.

Mode of conducting election.

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

Town committee to fill vacancies, &c.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of all the votes cast, shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or a failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or the state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the town committee shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable; and in that case shall have power to call such special town meeting as now provided by law.

Clerk to keep minutes.

8. *And be it enacted*, That the clerk of the township shall be clerk of the township committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of

said township; and when the township committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of the county.

Annual reports to be made.

9. *And be it enacted*, That the overseers of the poor and the town superintendent of public schools shall, at least ten days before the town meeting, prepare and lay before the town committee their annual report, as now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof and of the reports of the overseers of the poor and of the town superintendent, posted up in three of the most public places in the township.

Reports to be filed.

10. *And be it enacted*, That the reports of the town committee, the overseers of the poor and of the town superintendent of public schools, shall be filed and preserved by the town committee, and they shall, at the expiration of their term of office, surrender the same to their successors; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, unless otherwise changed, and all special town meetings at the place of holding the last annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judges of election and clerk shall each receive for attending any town meeting the same compensation as for attending a state and county election, and the township committee may allow the clerk such compensation for additional duties required by this act as they may deem reasonable.

Compensation to officers of election.

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

Approved March 18, 1859.

CHAPTER CLXXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Paterson," approved the nineteenth day of March, eighteen hundred and fifty-one.

Lands exempted from tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the land and premises, situate, lying and being in the city of Paterson, beginning at the point where the southerly line of said city intersects the Passaic river at Weazle, running thence (1) westerly along the said southerly line until it intersects the Dwass line, (2) northerly along the Dwass line to a point in line with the northerly line of Lafayette street, (3) westerly in a straight line to and along the northerly line of Lafayette street to the Passaic river, (4) along said river down stream to the beginning; together with the goods and chattels on said premises, be and the same are hereby exempted from being taxed for the purpose of supplying said city with water and gas or either, and for the fire department.

Part of former act repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement, and so much of the supplement to said act, heretofore passed as conflict with this act, be, and the same are hereby repealed.

Other lands exempted from tax.

3. *And be it enacted*, That all the territory added to the city of Paterson by the act entitled "A further supplement to the act entitled 'An act to incorporate the city of Paterson,'" approved March thirteenth, eighteen hundred and fifty-five, also be exempt from fire, water and gas tax; *provided*, that the corporate authorities of said city of Paterson, shall by ordinance, determine what proportion shall be deducted from the tax levied for city purposes for or on account of said water, fire, and gas.

Proviso.

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

Approved March 18, 1859.

CHAPTER CLXXVII.

SUPPLEMENT to the act entitled "An act to define the rights of parties whose property is damaged or taken for public use in cases of the alteration of the grades of streets or highways."

Act repealed as to Salem county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to define the rights of parties where property is damaged or taken for public use, in cases of the alteration of grades of streets or highways," passed March seventeenth, eighteen hundred and fifty-eight, so far as it may in any manner apply to the city of Salem, in the county of Salem, be and the same is hereby repealed.

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

Approved March 18, 1859.

CHAPTER CLXXVIII.

AN ACT to incorporate the Washington and Raritan Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. Reid, Samuel Whitehead, James Coleman, Thomas Booraem, William Wright,

James Devoe, Hercules Weston, and Garret I. Snedeker, and such other persons as may hereafter be 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 Washington and Raritan 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 capital stock shall be one hundred and 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.

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

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

Corporation not dissolved for failure to elect on day prescribed.

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

Duties and powers of directors.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct; *provided*, no instalment shall be called in for more than twenty per cent. at any one time, or within thirty days of a previous one; and no instalment shall be demanded without at least twenty days' previous notice of the time and place of payment, to be inserted in a newspaper in the county of Middlesex, in this state; and in case of the non-payment of said instalments, 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 useful and proper, touching the management and regulation of the

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

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point near Dean's Pond to Washington, South river, with the privilege of extending it to some point on the Raritan river or bay, in Middlesex county; *provided*, that, should the said railroad extend across South river, the said company agree to build in the said bridge a good and sufficient draw, the draw to be fifty feet wide with twenty feet wings; also, to keep in employ a suitable person to attend said draw at all times, so that vessels may pass and repass; *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, levelling or laying out the said route of said railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ,

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to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is 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.

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Proceedings in case company and owners cannot agree.

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

appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the 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 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 affirmation aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interests 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;

Proviso. *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself 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.

Proceedings in case of appeal. 8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, 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 view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not

prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, 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 this 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.

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 road where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle, across the said road shall not be obstructed, and likewise, when the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said road. Company to construct and keep in repair bridges.

10. *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 depot upon the line of the same, not exceeding twenty acres at each place, and may erect and build thereon houses, ware- What real estate may be held.

houses, stables, machine shops, and such other 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.

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.

Company may purchase machines, &c.

12. *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 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*, they shall not charge more than at the rate of three cents per mile for carrying each passenger on said railroad, or at the rate of six cents per ton per mile for the transportation thereon of every species of merchandise, produce, property, and freight.

Proviso.

Company may make contracts with other corporations.

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 kind of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of 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 all damages.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and the treasurer of said company shall file under oath or affirmation, a statement of the amount of costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall, under oath or affirmation, make an annual return to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon. Annual statement to be made.

16. *And be it enacted*, That as soon as the net proceeds of said road shall amount to six per cent. upon its cost, the said company shall pay to the treasurer of this state one half of one per cent. on the cost of said road, to be paid annually thereafter on the first Monday in January in each year, and no other transit duty or imposition shall be assessed or levied upon said company. Annual tax to be paid.

17. *And be it enacted*, That the said Washington and Raritan 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 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, such bond or bonds to draw interest not exceeding seven per cent. per annum; *provided always*, that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of the said company. Company may borrow money. Proviso.

18. *And be it enacted*, That at any time after the expiration of thirty 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 State may take road on payment of appraisement.

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

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Commencement and completion of road.

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

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

21. *And be it enacted*, The above named company after paying six per cent. dividend to their stockholders, either in preferred stock or both combined, shall be required to pay into the treasury of the state—

(The last section is printed according to copy.)

Approved March 18, 1859.

CHAPTER CLXXIX.

A SUPPLEMENT to the act entitled "An act to establish public schools," approved April seventeenth, A. D. one thousand eight hundred and forty-six.

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 district meetings in Clonmell school district, number one, in the township of Greenwich, in the county of Gloucester, for the election of trustees for said district, shall be held annually on the first Monday of March; of which meetings the same notice shall be given as is required by the act to which this is a supplement. Annual district meetings.

Approved March 18, 1859.

CHAPTER CLXXX.

AN ACT respecting the Orange and the Passaic brigades and to better regulate and discipline the same.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act of the legislature of this state, approved March tenth, eighteen hundred and fifty-two, entitled "An act respecting the Hudson brigade," and of the act entitled "An act to better regulate and discipline the Hudson brigade," approved March fifteenth, eighteen hundred and fifty-six, and of the act entitled "An act for the better disciplining of the Newark brigade," approved March eighteenth, eighteen hundred and fifty-eight, shall apply to, govern, and be in force over the said Orange brigade, in the county of Essex, excepting the townships of Belleville and Bloomfield in said county and the Passaic brigade in the county of Passaic, so far as the general provisions of the said acts can apply to the same, with all the like powers and privileges in said acts given to the said Hudson and Newark brigades; *provided, however*, that instead of the amount of fifty cents therein directed to be assessed upon every white male inhabitant capable of performing militia duty between the ages of twenty-one and forty-five, there shall be assessed annually only the sum of twenty-five cents upon such persons, as are liable to such assessment by the provisions of the act to which this is a supplement.

Proviso.

Part of former act repealed.

2. *And be it enacted*, That so much of the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, and of a supplement thereto, approved February twenty-seventh, eighteen hundred and fifty-eight, so far as relates or applies to the said Orange and Passaic brigades, being 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 18, 1859.

CHAPTER CLXXXI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Names of delinquent tax payers to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city treasurer shall, on or before the first day of April in each and every year, record alphabetically in well bound books to be provided for that purpose, the names of all the delinquent tax payers in each ward respectively, to whom any lots, tracts or pieces of land or real estate shall have been assessed for the preceding year, together with a short description of said lots, tracts or pieces of land, the street or streets, alley or alleys, whereon they are situated, the amount of tax which are liens thereon respectively, and the year for which said assessment was made; said books shall be carefully preserved and kept by the city treasurer at his office, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the treasurer, on the payment of such fees as the city council by ordinance shall direct; and it shall be the duty of said treasurer, upon the receipt

of the taxes, interests and costs which may be a lien upon any lot so recorded, briefly to note in the margin of said record that all liens for tax on said lot for said year are fully paid and satisfied, to which marginal notice said treasurer shall sign his name.

Ordinances for paving and improving streets.

2. *And be it enacted*, That any ordinance of the city council requiring the owner or owners of land to pave, gravel or otherwise permanently improve any street or alley or any part of such street or alley within said city, shall be conclusive upon said owners, and the ordinance shall not be called in question collaterally, but may be reviewed as any other judicial proceeding, by certiorari; and any deed or declaration of sale made under the seal of the city for lands sold to pay for grading, paving, gravelling, flagging, curbing or making gutters in or along any street or alley of said city or the side-walk of said street or alley, or any deed made by the city treasurer for lands sold to pay for taxes as aforesaid, if regular upon its face, shall be prima facie evidence of the right of the grantee, his heirs or assigns, to recover, hold and possess the land therein conveyed, without additional proof of the regularity of the proceedings under which said sale and deed were made.

Owners may be compelled to pave, &c.

3. *And be it enacted*, That the city council shall have power to compel the owners of real estate in said city, or in such parts thereof, as they may by ordinance direct, to flag or pave the gutters or any part thereof, of the street along and opposite to such owner or owners' property, and if such owner or owners shall refuse or neglect to comply with such ordinance, and do not flag or pave said gutters or part of the street, or not flag or pave the same in the manner prescribed by said ordinance, then it shall be lawful for the city council to cause the said gutters or part of street to be flagged or paved, and to enforce the payment of the costs and expenses of doing the same, by action against the owner or owners of said property, or by sale of the real estate in the manner provided by the thirty-third section of the act to which this is a supplement, to the same extent in all things as though the flagging or paving of

gutters or parts of streets had been expressly mentioned and included in the thirty-second and thirty-third sections of said act.

City may purchase lands sold for taxes.

4. *And be it enacted*, That in advertising any real estate for sale under and by virtue of the city charter and the various supplements thereto, in cases where the city council to advertise and sell, it shall be lawful to embrace lands belonging to different persons in the same advertisement; and at any sale so made, either by the city council, it shall be lawful for the city of Camden to become the purchaser of any lands so sold.

Appointment of police officers, &c.

5. *And be it enacted*, That the police and night watchmen of said city, shall be appointed by, and hold their office under the control and at the pleasure of the mayor of said city; all the parts of said act, and all other acts of which this is a supplement, and parts of acts, that may be inconsistent with the provisions of this act, be and the same are hereby repealed.

Public act.

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

Approved March 22, 1859.

CHAPTER CLXXXII.

AN ACT for the relief of the creditors of the Burlington Aqueduct Company.

Preamble. WHEREAS, the Burlington Aqueduct Company have heretofore executed to Robert Pitman, trustee, a first mortgage upon all their real and personal estate, franchises and works, to secure certain bonds to the amount of one hundred thousand dollars which have been issued by said company, and the holders of said bonds are now foreclosing said mortgages in the court of chancery of this state, and have obtained an interlocutory decree therein, and are about to obtain a final decree and execution for the sale of the mortgaged premises, and doubts exist whether, by the law now existing, the same can be sold at sheriffs' sale, and the interests of all the creditors of said company would be promoted by a sale of such real and personal estate, franchises and works; therefore,

Officer may sell and make title. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the issuing of an execution for the sale of the real and personal estate, franchises and works of the Burlington Aqueduct Company, out of the court of chancery of this state in the aforesaid foreclosure suit, the officer to whom the said writ is directed may sell the same at public sale, to the highest bidder, having first advertised the same in the manner provided by law in the case of the sale of real estate, under the direction of a court, and may make to the purchaser thereof as good and sufficient a title in law as the said company had in said real and personal estate, franchises and works, as the said company had at the time of the execution of said mortgage.

Purchasers to have the same 2. *And be it enacted*, That the purchasers thereof shall hold said works, franchises, real and personal estate, as a

joint stock company, by the name of "The Burlington Water Company," in the same manner and with the same powers and privileges as the original stockholders held the same, and subject to all the limitations and conditions in the charter of the original company contained. powers, &c., as original company.

3. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall take effect immediately after the passage thereof. Public act.

Approved March 23, 1859.

CHAPTER CLXXXIII.

AN ACT to authorize the inhabitants of the township of Orange, in the county of Essex, to sell and convey lands.

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 inhabitants of the township of Orange, in the county of Essex, at any public town meeting, duly held for the purpose, by a majority of votes, to direct the township committee to sell and convey the whole or any part of the lands or real estate belonging to the said inhabitants; and that the said committee shall thereupon proceed to make sale thereof, and to execute and deliver a deed or deeds thereof; which deed or deeds shall convey as good a title to the said lands or real estate as the said inhabitants were seized of, at the time of making the conveyance. Township committee may be directed to sell lands.

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

Approved March 23, 1859.

CHAPTER CLXXXIV.

A SUPPLEMENT to the act entitled "An act to incorporate the New York, Elizabethtown and Morristown Railroad Company," passed the sixth day of February, eighteen hundred and fifty.

Road may be extended.

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 New York, Elizabethtown and Morristown Railroad Company," so to construct the main and lateral railroad authorized by their act of incorporation that the same may be extended to any point or points in the cities of Elizabeth and Newark, and that Vancleve Dalrymple, William Stiles, Israel D. Condit and Appollos M. Elmer, be and they are hereby appointed commissioners, instead of those who have deceased, since the passage of the said act: and that the time limited for the commencement and completion of the said road be computed from the first day of January next.

Approved March 23, 1859.

CHAPTER CLXXXV.

A SUPPLEMENT to an act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Preamble. WHEREAS, under the provisions of the act to which this is a supplement, the president and directors of every incorporated bank are required to pay into the treasury of the state one-half of one per cent. upon the whole amount of the capital stock actually subscribed and paid in; AND WHEREAS, banks organized under the general banking law of this state, are not permitted to issue circulating notes to any amount over and above the amount of securities deposited with the state treasurer, while banks specially chartered are authorized to issue not less than twice, and in some instances, triple the amount of their capital paid in, consequently there is no equality in the present mode of taxation upon such institutions, therefore,

Amount of tax to be paid to state. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of every incorporated bank, organized under the provisions of an act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and all such as may at any time hereafter become organized under said act, shall hereafter be required to pay yearly into the treasury of this state, as directed in the forty-fifth section of the act to which this is a supplement, one-quarter of one per cent. per annum, upon the whole amount of capital stock actually subscribed and paid in.

Part of former act repealed. 2. *And be it enacted*, That so much of the forty-fifth section of the act to which this is a supplement, and all other acts or parts of acts inconsistent with or anywise contravening the true intent and meaning of this act, be and the same are hereby repealed.

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

Approved March 23, 1859.

CHAPTER CLXXXVI.

AN ACT to incorporate the "State Insurance Company," in the state of New Jersey.

Corporate name and location.

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, shall be and are hereby constituted and made a body politic and corporate, by the name and style of "The State Insurance Company," and the office of the said company shall be located at Jersey City, in the county of Hudson, in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent. on the stock by him subscribed, and the remainder to be paid, or amply secured to be paid in such securities on real estate, or other security as the commissioners hereinafter named shall deem sufficient; and until fifty thousand dollars of said stock is sub-

scribed for and paid in cash, said company shall not commence business.

3. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, two-thirds of whom shall be citizens of this state, who shall divide themselves into three classes: the term of the first class shall expire on the second Monday of January next succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the second Monday of January in the following years, or as soon thereafter as others are elected in their stead; the annual election for directors shall be held on the second Monday of January in each year, at such time and place in Jersey City as a majority of the directors shall appoint, of which notice shall be given in some public newspaper published and circulating in the county of Hudson, at least ten days previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such elections shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of the said stock. Annual election of directors.

4. *And be it enacted*, That it shall be the duty of the directors on organizing the company, and annually thereafter, to choose out of their number a president to serve for the year ensuing; and they also may, at any time, elect one of their number president pro tem., with power to perform the duties of president in case of his death, absence, or inability to act; and they shall also appoint a secretary, who shall hold his office during the pleasure of the board of directors. Election of president.

5. *And be it enacted*, That Robert McLaughlin, Andrew Clerk, Noah D. Taylor, Samuel A. French and Charles P. Sisson, shall be commissioners to receive subscriptions to the capital stock of said company, and when the whole of said stock shall be subscribed and paid, or secured to be paid, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by Commissioners to receive subscriptions.

an advertisement published at least ten days previously in some newspaper published and circulating in the county of Hudson, stating the time and place at which such meeting of the stockholders shall be held, and they shall by ballot elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; but it is *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

Proviso.

What property may be insured.

6. *And be it enacted*, That the said company shall have power: First, to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; second, to make insurance upon dwelling houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and other property, against loss or damage by fire; third, to cause themselves to be insured when deemed expedient.

Policies of insurance.

7. *And be it enacted*, That all policies of insurance, or other contracts, authorized by this act, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the president and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested without the presence of the board of directors.

What real estate may be held.

8. *And be it enacted*, That it shall be lawful for the said company to take and hold any real estate or securities, bona fide 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 foreclose the same; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of any court of 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 and convert the same into money or other personal property; and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no moneys shall be loaned on real estate, unless the same be situated in this state, and to call in and re-invest the same so often as it shall be deemed necessary for the interest of the said company.

Stock transferable.

9. *And be it enacted*, That the capital stock of said corporation shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock who shall neglect to pay the instalment aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may arise thereon.

Dividends.

10. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable, and the said dividends shall be paid to the stockholders or their representatives; but the dividends shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, their heirs, executors, or administrators, or any of them, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution, and each director present when such dividends shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend by adver-

tising his said protest within ten days thereafter, in a newspaper published and circulating in the county of Hudson.

Tax to be paid to state.

11. *And be it enacted*, That said company shall be taxed as follows in every year after it has been duly organized and commenced the business of insurance: they shall pay into the treasury of this state one-quarter of one per cent. on all the capital stock paid in which shall not at the time be invested in real estate situate within this state, or is not secured by bond and mortgage on real estate also situate in this state.

Act may be amended.

12. *And be it enacted*, That this act shall continue in force during the pleasure of the corporators, but the legislature may at any time alter, modify or repeal the same.

General powers.

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

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

Approved March 23, 1859.

CHAPTER CLXXXVII.

AN ACT to confirm the official acts of Charles H. Thomson, of Brooklyn, New York, as commissioner of deeds for the state of New Jersey.

Official acts confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all proceedings which have been had by and before Charles H. Thomson, as a commissioner of deeds for the state of New Jersey, in the county of Kings, and state of New York, and all official acts done by him in said Kings county since the seventeenth day of March, eighteen hundred and fifty-four, up to the twenty-second day of April, one thousand eight hundred and fifty-eight, shall be held to be of the same force and validity as if the said Charles H. Thomson's oath of office, as directed by the law, had been filed in the office of the secretary of the state of New Jersey, on the said seventeenth day of March, one thousand eight hundred and fifty-four.

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

Approved March 23, 1859.

CHAPTER CLXXXVIII.

AN ACT authorizing the sale of lands granted or devised to religious societies in certain cases.

Application for privilege to sell lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any incorporated religious society in this state entitled to lands and tenements granted or devised to them by deed, will, or otherwise, appropriating the rents, issues and profits thereof to specific use, but without power to sell and convey the same, shall represent to the chancellor of this state that the interest of the person or persons, of such religious society in the said lands, should be sold or disposed of, the chancellor may in a summary manner proceed to inquire into the merits of the application, and from such time the person or persons interested in the said lands and the said religious society as the case may be as far forth as relates to such lands, its proceeds and income, shall be considered wards in chancery.

Trustees to be appointed.

2. *And be it enacted*, That on every such application the chancellor shall in his discretion appoint a suitable trustee or trustees, who shall give bond to the state of New Jersey, to be filed with the clerk of the court of chancery, in such penalty and with such surety as the chancellor shall direct, conditioned for the just and faithful performance of the trust reposed in such trustee or trustees, and for the observance of such orders and directions as the chancellor shall from time to time make in the premises, in relation to such trust, which bond, if forfeited, may be prosecuted by the direction of the chancellor, in any court having cognizance of the same.

Lands may be sold.

3. *And be it enacted*, That after such bond shall be given and filed as aforesaid, the chancellor may proceed in a summary manner by reference to a master to inquire into the merits of such application, and whenever and as often

as it shall satisfactorily appear to the court that the interest of parties interested requires or will be substantially promoted by a sale of such land, or any part or parts thereof, the chancellor may direct a sale or sales of such lands, to be made by the trustee or trustees, either in whole or by subdivision, and upon such terms of credit as may be deemed expedient, and all sales and dispositions made in good faith and in pursuance of and conformation with the directions of the court when confirmed as hereinafter mentioned, shall be valid and effectual in law.

Trustees to make report of sale.

4. *And be it enacted*, That all sales and dispositions made in pursuance of this act shall be reported on the oath or affirmation of the trustee or trustees to the chancellor, to be approved by him before a conveyance shall be executed, and if such sale or disposition is confirmed by the chancellor, and a conveyance directed to be executed, he shall then make such further order for the application and disposition of the proceeds of the same, and for the investment thereof as the case may require.

Proceeds of sale to be invested.

5. *And be it enacted*, That the proceeds of such sale shall be loaned and invested in good and sufficient bonds of individuals, secured by mortgage on unencumbered real estate in this state, worth without buildings double the amount loaned, payable with interest semi-annually, or invested in the public funded debt of the United States, and upon the payment of the principal sum loaned or invested, or any part thereof, the amount shall be again invested as aforesaid, and the interest arising on such loan or investment, as soon as received, shall be applied and paid to the person or persons, and for the uses specified in the grant, deed or devise for which the lands were granted or devised, and for no other use or purpose whatsoever; *provided, always*, that no loan of money received by virtue of the sale of the land aforesaid shall be made to any person for a greater sum than one thousand dollars, unless it may be for the consideration of lands sold to such person by virtue of this act.

Proviso.

Trustees liable to account.

6. *And be it enacted*, That the trustee or trustees appointed as aforesaid shall be liable to account under order of the court of chancery, before such master as the chancellor may designate from time to time, upon the application of any religious society, or any person or persons interested in the funds, and the report of such master made thereupon shall be liable to exceptions as in other cases of masters' reports requiring confirmation; and the chancellor shall have full power and authority to make all such orders and decrees in the premises as shall be necessary to give complete relief to the parties.

Certain lands not liable to be sold.

7. *And be it enacted*, That no land upon which a church or place of worship is or may be erected, or granted for that purpose, or burying-ground, shall be liable to be sold by virtue of this act.

Settlement of accounts of trustees.

8. *And be it enacted*, That upon the settlement of the account of the trustee or trustees made by the chancellor, he may direct the said trustee or trustees to assign and set over all bonds and mortgages and public stocks remaining in their hands to the religious society to which the said lands and tenements sold may have been granted or devised, to be held by such religious society in trust, for the uses and purposes prescribed in such grant or devise, and for no other use or purpose whatever.

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

Approved March 23, 1859.

CHAPTER CLXXXIX.

AN ACT to incorporate the Hoboken Fire and Marine Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders of the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and declared to be a body corporate, by the name and style of "The Hoboken Fire and Marine Insurance Company," to be located at Hoboken, in the county of Hudson and state of New Jersey. Corporate name and location.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of twenty per centum on the stock by him subscribed for, the remainder to be paid in such securities on real estate, or other securities, as the commissioners hereinafter named shall deem sufficient; and the said company shall not commence business until fifty thousand dollars of said stock is subscribed for and paid, or secured to be paid as aforesaid. Amount of capital stock.

3. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, a majority of whom shall be citizens of this state, who shall divide themselves into three classes; the term of the first class shall expire on the second Tuesday of April next succeeding the election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire, successively, on the second Tuesday of April of the following years, or as soon thereafter as others are elected in their stead. Directors to be divided into classes.

4. *And be it enacted*, That the annual election for directors shall be held on the second Tuesday in April in every Annual election of directors.

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

Commissioners to receive subscriptions.

5. *And be it enacted*, That John Shotwell, Samuel R. Syms, John M. Francis, John D. Littell, Edwin A. Stevens, Edmund Charles, Frederick B. Ogden, Silas H. Jessup, Abraham Mann and Augustus O. Evans shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed for and paid in, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement, published at least ten days previously in some newspaper published and circulated in the city of Hoboken, stating the time and place at which such meeting of the stockholders shall be held; and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election, and should there be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancy or vacancies so occasioned.

What property may be insured.

6. *And be it enacted*, That the said company shall have the power; *First*, to make insurance upon vessels, freight, goods, wares, and merchandise, and to make all and every insurance connected with marine risks and the risks of

transportation and inland navigation; *second*, to make insurance upon dwelling-houses, stores and all kinds of buildings, and upon household furniture, merchandise, and all personal and other property, against loss or damage by fire, and generally to insure against all loses pertaining to fire and marine risks; *third*, to cause themselves to be re-insured, when deemed expedient.

Policies of insurance.

7. *And be it enacted*, That all policies of insurance, or other contracts authorized by this act, may be with or without the seal of said company, and shall be subscribed by the president and attested by the secretary, and being so signed, executed and attested, shall be binding upon the said corporation; and all such policies and contracts may be so made, signed, executed and attested, without the presence of the board of directors.

What real estate may be held.

8. *And be it enacted*, That it shall and may be lawful for the said company to purchase, hold and convey any estate, real and personal, for the use of the said corporation; *provided*, that such estate be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken as security for or in payment of debts; and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no money shall be loaned on real estate, unless the same be situated in this state.

Proviso.

Policies may be assigned.

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

Actions may be maintained for losses, &c.

10. *And be it enacted*, That any person or persons insured by said corporation may maintain an action at law against the same for losses or damages due him, her or them from said corporation, if payment is withheld more than ninety

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days after the amount and due proofs of such losses shall have been ascertained and made, and the said corporation notified thereof; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

Proviso.

Tax to be paid to state.

11. *And be it enacted*, That the said company shall pay into the treasury of this state one-quarter of one per centum per annum on the capital stock paid in, or secured to be paid as aforesaid, to commence three years after the said company shall go into operation; which amount shall be paid in under oath or affirmation of the president and secretary thereof.

Limitation.

12. *And be it enacted*, That this act shall continue in force thirty years, but it shall and may be lawful for the legislature at any time to alter and repeal the same.

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

Approved March 23, 1859.

CHAPTER CXC.

AN ACT to extend the charter of the "General Association of the upper townships in the county of Cape May."

Former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the owners of certain fisheries in the Upper,

Dennis, Middle and Lower townships, in the county of Cape May," passed February twenty-sixth, eighteen hundred and thirty-nine, be and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance, at which time this act shall take effect.

Approved March 23, 1859.

CHAPTER CXCI.

AN ACT to grant the privilege of building a dock on Newark bay.

A. P. Salter authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony P. Salter be and is hereby authorized to build docks, wharves and piers in front of his property on Newark bay, in the county of Hudson, providing he does not interfere with navigation.

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

Approved March 23, 1859.

CHAPTER CXCII.

AN ACT for the relief of Cyrus Horne, for expenses incurred in the burial of the late Captain James Reynolds, of the New Jersey battalion of volunteers.

Treasurer authorized to pay expenses.

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 directed to pay out of any moneys in his hands not otherwise appropriated, to Cyrus Horne, of the city of Philadelphia, the sum of two hundred dollars, in consideration of services rendered and expenses incurred in the burial of the late Captain James Reynolds, of the New Jersey battalion of volunteers.

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

Approved March 23, 1859.

CHAPTER CXCIII.

AN ACT to incorporate the Jersey City and Hoboken Horse Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Westcott, Cornelius

V. Clickener, Cornelius V. Traphagen, Edwin A. Stevens, William W. Shippen, Chauncy Rawson, and such other persons as may be hereafter associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in name, by the name of "The Jersey City and Hoboken Horse 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.

Amount of capital stock.

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

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 said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City; and at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of 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 the 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 election of said corporation, shall, as soon as may be after every election, choose out of their number a president, 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 term for which they were elected 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 the corporation shall prescribe.

Election of directors.

Payment of instalments.

4. *And be it enacted*, That three directors of said corporation shall be a quorum for the transaction of all business of said corporation, and shall have power to call in the capital stock of the said company, by such instalments, and at such times as they may direct; and in case of the non-payment of said instalments, 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 shall have power to appoint such officers, clerks, and servants as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

Corporation not dissolved for failure to elect on day prescribed.

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

Company authorized to construct road.

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 some

point at or near the Jersey City ferry, at the foot of Montgomery street, in Jersey City, and from thence to run to the Hoboken ferry, at the city of Hoboken, with authority to construct one or more branches to run to any ferry between the Jersey City and Hoboken ferries, and to connect with the Hoboken and Hudson City Horse Car Railroad Company, said road not exceeding sixty feet in width, except in such places where from the depth of 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; 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 and waters, for the purpose of exploring, surveying, levelling, or laying out the route or routes 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 railroad shall have been determined, and a survey thereof filed in the office of the clerk of Hudson county, 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, occupy, and excavate any such lands, and 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 payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out of said road, unless the consent of the owner or owners of said lands be

Proviso.

Proviso. first had and obtained; *and provided also*, that in constructing said railroad or branches through any of the streets or avenues of Jersey City, having first obtained the consent of the common council of said city, the said work shall be done under the inspection of the commissioner of streets or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets or avenues to their former good condition, without any unnecessary delay; *and* Proviso. *provided further*, that horse power, and no other, shall be used by the company in running their cars or carriages, unless where the grade of said road may be so steep as to require other power than horse power, in that case the company shall have the right to erect stationary engines.

Tracks not to be laid in streets without permission. 7. *And be it enacted*, That nothing in this act shall be construed to authorize said company to lay down any railroad track or tracks in any of the public streets, lanes, or avenues of any of the incorporated cities of Hudson county, without the authority of the common council of said city or cities, or the city authorities of the same, by whatever name they may be called; and the city authorities shall direct, by ordinance or resolution, through what streets, lanes, or avenues said track or tracks shall be laid; and by obtaining the authority as aforesaid, said company shall be authorized to put down one or more tracks in any of the streets, lanes, or avenues so designated as aforesaid; and the said city authorities shall designate the number of tracks that shall be laid in any street, lane, or avenue of said city or cities.

Description of tracks. 8. *And be it enacted*, That the tracks shall be laid with the grooved rails, and flush with the surface of the streets; and the said grantees shall cause said tracks to conform to the grade of the streets as it now is, or as it shall be from time to time, established or altered, and shall keep the surface of the streets inside the rails, and for one foot outside thereof, in good and proper order and repair.

Rates of transportation. 9. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of pas-

sengers, freight and merchandise on said road, as the president and board of directors shall elect; but the price for passengers shall not exceed the sum of six cents for each passenger per mile or less, and after that rate for all distance over a mile.

Proceedings when company and owners cannot agree.

10. *And be it enacted*, That when the company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land and 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 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 said notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial, and judicious freeholders, non-residents in the county in which the lands or materials in controversy lie, 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 six 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 controversy, 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, and to make a just and equitable estimate 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 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 the said valuation, with interests 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, on 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.

Parties dissatisfied may appeal.

11. *And be it enacted*, That in case the said company, or the owner or owners of the 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 filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed be-

tween 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 shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; 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 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.

What real estate may be held.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, warehouses, stables and such other buildings and improvements as they may deem expedient for the safety of the property and the construction of the 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 over such 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.

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 said railroad.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad, enjoyed under the provisions of this act, or in any of their necessary works, bridges or carriages, 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 of competent jurisdiction in an action of debt, and further shall be liable for all damages.

When company may commence running.

15. *And be it enacted*, That when two miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Commencement and completion of road.

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

Annual tax to be paid to state.

17. *And be it enacted*, That on the first day of January, after the railroad and its appendages, or any part thereof, shall be finished, so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter, a like statement of all further costs and expenses from year to year, and the president and treasurer of said company shall also, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, on the first day of January after it shall be used, and annually thereafter; and as soon as the said railroad or any part thereof shall be put into operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the amount expended by said company for said road, which shall in

like manner be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company. Proviso.

18. *And be it enacted*, That it shall be lawful for the said company to purchase any plank road or roads within the limits aforesaid, and to manage and conduct the same, and in case they do not purchase the said roads, then they shall not construct their said road within fifty feet of any such plank road without their consent, except to cross the same, and in doing so they shall cross at right angles, as near as possible. Company may purchase other roads.

19. *And be it enacted*, That this act shall continue in force for and during the term of twenty years, and that the legislature may at any time alter, modify or repeal the same. Limitation.

Approved March 23, 1859.

CHAPTER CXCIV.

AN ACT concerning elections in the township of Winslow in the county of Camden.

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, at all annual or general elections, held in the township of Winslow in the county of Camden, it shall and may be lawful for the election officers in said township, Manner of conducting elections.

conducting such elections, to open the ballot box at the hour of seven o'clock on the morning of election day, at the town or village of Winslow, in said township, and there to keep the same open for the reception of votes, until the hour of twelve o'clock noon of said day, when the same shall be closed, and the election and ballot box shall be removed to a suitable public place, in the town or village of Tansborough in said township, where the election and the said ballot box shall again be opened, on the same day, at the hour of two o'clock in the afternoon, where the said election is to be kept open, conducted and concluded as prescribed by the several acts of this state regulating elections; and that all acts or parts of acts conflicting with the provisions of this act, be and the same are hereby repealed, so far as they relate to said township of Winslow.

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

Approved March 23, 1859.

CHAPTER CXCV.

AN ACT explanatory of the act entitled "Supplement to an act entitled An act respecting the Independent Essex Brigade, and to better regulate and discipline the same," approved March fourth, eighteen hundred and fifty-eight.

Preamble. WHEREAS, doubts have arisen whether the provisions of the original act, approved March twentieth, eighteen

hundred and fifty-seven, apply to and have effect in the county of Union, as is expressly provided for in the fifth section of the supplement thereto, therefore,

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 respecting the Independent Essex brigade, and to better regulate and discipline the same," approved March twentieth, eighteen hundred and fifty-seven, as well as of the supplement thereto, approved March fourth, eighteen hundred and fifty-eight, shall be applied to and have effect in the county of Union; *provided, however*, that instead of the amount of fifty cents therein directed to be assessed upon every white male inhabitant capable of performing militia duty between the ages of twenty-one and forty-five, there shall be assessed annually only the sum of twenty-five cents upon such persons as are liable to such assessment by the provisions of the act to which this is a supplement.

Provisions of act extended.

Proviso.

Approved March 23, 1859.

CHAPTER CXCVI.

AN ACT regulating the election of overseers of highways in the township of Millville, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways

Notice to be given of first district road meetings.

of the several road districts in the township of Millville, in the county of Cumberland, shall be elected by the legal voters of the several districts, as they may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meetings in said township; and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township residing in such road district, shall assemble for the purpose of such election; and at which time and place such legal voters assembled, having been called to order by any legal voter in the road district, shall proceed viva voce, by the holding up of hands or by count, to elect a moderator of such meeting by plurality of votes; and being so organized, the meeting shall proceed as in the election of a moderator to elect an overseer of the highway for such road district: the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy and furnish a list of the names of said overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

Subsequent district road meetings, how called.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district, at least five days before the time of holding such meeting; and all such

subsequent district road meetings shall be held on Saturday preceding the annual town meetings in said township; and should the overseer of any district fail to call such meeting or the individual elected refuse to accept such appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid.

Approved March 23, 1859.

CHAPTER CXCVII.

AN ACT for the removal of all obstructions to the free passage of the waters of the Passaic river and its small streams, between the turnpike bridge, in the village of Chatham, and the northeast end of an island, belonging to Charles Hopping and John Cook, a short distance below Cook's bridge, at Hanover, Morris county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the greater convenience of the owners of these flowed lands to improve the same by drainage, they shall begin at the turnpike bridge, in the village of Chatham, and from thence shall terminate their work at the northeast end of an island in the river Passaic, belonging to Charles Hopping and John Cook, a small distance below Hanover bridge; that it shall be the duty of the managers, to be appointed as hereinafter men-

Assessments to be made on lands subject to be overflowed.

tioned, to make assessments upon all the lands within the bounds aforesaid, subject to be flowed by the Passaic river and its branches, between the turnpike bridge, at the village of Chatham, to a point below the northeast end of the aforesaid island, below Cook's bridge, at Hanover, for all such sums of money as they in their judgment shall deem sufficient to remove all obstructions to the free course of the waters in and near said river and its branches, between the points above indicated.

How assessments are to be made.

2. *And be it enacted*, That the said assessments shall be made equitably, whether in proportion to the quantity, and the advantage and benefit the said lands will derive from the clearing out of the obstructions, whatever they be, in and near the river aforesaid; and in order to ascertain the sums of money necessary to be raised, it shall be the duty of said managers, or a majority of them in each district aforesaid, to view and examine said river, the obstructions to be removed in the same, as well as the several road embankments near the bridges, and which appear to act as dams upon the river to stop its course.

Commissioners of appeal.

3. *And be it enacted*, That Stephen D. Hunting, Joseph C. Ward and William T. Budd shall be commissioners of appeal in and for the district aforesaid before described in section first, with full power and authority to review the assessments made by the said managers, and to reduce any assessment made by the said managers to such sum as they, or a majority of them, shall deem just and equitable; and the decision of said commissioners shall be final and conclusive upon all parties.

Parties aggrieved by assessment may appeal.

4. *And be it enacted*, That the said managers, or one of them, shall give notice in writing to the owner or owners, possessor or possessors, of the flowed lands by them assessed, of the assessment made and the amount to be paid by each; and if any person shall consider himself or herself aggrieved, it shall be lawful to apply to the said commissioners, whose duty it shall be thereupon to fix a day when they shall meet upon the lands alleged to be overtaxed, of which meeting three days' notice shall be given

to the party applying to said commissioners, and also to said managers; and the said commissioners, or a majority of them, shall, at the time and places so appointed, proceed to hear the allegations of the parties and examine the lands assessed, and make such order touching the assessment complained of as they shall deem just and proper; and in case said commissioners shall reduce the amount of any assessment, they may at the same time make such allowance of expenses to the party aggrieved as they may think just, and also deduct the same from the amount of his, her, or their assessments.

Proceedings in case of non-payment of assessments.

5. *And be it enacted*, That the owners and possessors of said lands, respectively, shall be liable to pay the amount of the assessments to be made as aforesaid; and in case any person shall neglect for the space of forty days, after notice given to him or her, and demand of payment to pay his or her quota of the said assessment, or to apply to said commissioners to meet and hear his or her complaint against such assessment, then it shall be lawful for said managers, or a majority of them, to make return of the name of such person, with the amount of his or her assessment; or in case said commissioners shall have reduced the amount of any assessment, then of the amount adjudged by said commissioners to be just, to any justice of the peace in the county where such person resides, and the said justice, upon the oath of any one of said managers that the amount has been duly demanded forty days previous thereto, and remains unpaid, shall immediately issue a warrant of distress, directed to some one of the constables of said county, commanding him within thirty days to levy upon and seize the goods and chattels of such delinquent, and make sale of so much thereof as may be necessary to pay such sum of money, together with the costs, and pay the same over to the managers, or one of them, and the justice and constable shall be entitled to the same fees and subject to the same penalties as in other cases of taxation.

Moneys collected, how to be applied.

6. *And be it enacted*, That the said managers shall apply the moneys assessed and collected under this act to clear

out and remove obstructions in said river and its branches aforesaid, as well as to procure the extension of county bridges, where the passage of the river has not sufficient room; also in such cases as where it evidently appears that any of these causeways or the embankments to said bridges have been formed so high above the flat land as to act as dams to interrupt the flow of the freshet waters and force the same back upon the lands, then and in that case said managers to proceed and open sluices through embankments of sufficient depth to let the surplus water through the same and bridge over said sluices so as not to impede the public travel; and said managers shall keep just and true accounts of all moneys by them received, expenses incurred and payments made, which accounts the said managers shall lay before a committee to be chosen as hereinafter directed at the annual meeting of the owners of the flowed lands, when this committee shall report upon the same, and the balances there may be, if any, shall be paid over to their successors in office, and upon neglect or refusal so to do, the same may be recovered of them by action of debt, to be prosecuted in the proper name of any one of the committee aforesaid, before any court having cognizance thereof, to be applied to the purpose of removing obstructions in said river.

Election of managers.

7. *And be it enacted*, That the owners and possessors of the flowed lands between the turnpike bridge in the village of Chatham and the northeast end of an island in the river Passaic below Cook's bridge, in Hanover, belonging to Charles Hopping and John Cook, shall meet on the fourth Tuesday of April next after the passage of this act, at one o'clock in the afternoon at the school-house in Squiretown, in Livingston, Essex county, and then and there, by a majority of votes of those met, choose three persons, being owners of the said lands overflowed, to be managers under this act for the ensuing year, and also three other persons to constitute a committee to examine the accounts of said managers, and the subsequent annual meetings shall be held on the fourth Tuesday of April, at such place as a

majority of said owners or possessors at any annual meeting assembled shall appoint and direct.

Vacancies, how supplied.

8. *And be it enacted*, That in case a vacancy shall happen by the death of one of the said managers, committee, or commissioners of appeal, or otherwise, it shall be the duty of the managers, or the survivors of them, to give notice in writing, by advertisement, set up in six public places, adjacent to the lands subject to be flowed as aforesaid, for at least two weeks, of a time and place for the owners and possessors of said lands to meet, to choose a person to fill such vacancy, and the person chosen at such meeting by a majority of the votes of the owners and possessors assembled shall fill such vacancy and have all the powers and privileges, and be subject to the like penalties, as the person was whose place he is chosen to fill.

Penalty for obstructing course of water.

9. *And be it enacted*, That if any person or persons shall hereafter fell any tree into the said river or its branches, or cut or leave any wood or brush in said river, or upon the ice, within the limits aforesaid, for the space of six days, or by any other means, create any obstruction to the free course of the waters of said river and its branches, within the said limits, and shall not remove the same within ten days after being required so to do by any one of said managers, every such person or persons so offending shall forfeit the sum of twenty dollars, to be sued for, recovered and applied toward the clearing out of obstructions in said river.

Managers to continue in office until others are elected.

10. *And be it enacted*, That in case any omission to elect managers, in the manner directed by this act, shall at any time happen, the last managers elected shall continue in office until others are elected in their stead.

Compensation to officers.

11. *And be it enacted*, That the managers, committee on accounts and commissioners of appeal, shall receive for their services under this act at the rate of one dollar per day; every person assessed under this act shall have liberty to pay his or her assessment by labor, at such rate of prices for hands and team per day as shall be established by the owners of the flowed lands, at their annual meetings.

Approved March 23, 1859.

CHAPTER CXCVIII.

AN ACT to enable Mrs. Angeline Himenover to convey real estate.

Preamble. WHEREAS, a deed of trust was made, dated April twenty-second, eighteen hundred and forty-four, by Doctor Samuel Marshall to Doctor Stephen Hedges, as trustee for Angeline Himenover and her heirs-at-law; AND WHEREAS, the said trustee has since died, a perfect title cannot be given for said property: therefore,

A. Himenover authorized to convey real estate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Angeline Himenover, wife of the late George Himenover, of the county of Essex, be and she is hereby authorized and empowered to convey all title and interest, both absolute and contingent, in and to all of the lands and real estate in the counties of Sussex and Warren, or any part thereof; and the deed of said Angeline Himenover for said land and premises, or any part thereof, shall convey and assure to the purchaser or purchasers thereof the full and complete title and interest in and to said premises so intended to be conveyed.

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

Approved March 23, 1859.

CHAPTER CXCIX.

AN ACT to regulate the grading of the streets and sidewalks, paving and curbing in the town of Mount Holly.

Names of street commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Shinn, William H. Pancoast, and Thomas C. Alcott, of Mount Holly, in the township of Northampton, in the county of Burlington, be and are hereby appointed street commissioners, whose duty it shall be to fix, regulate, and determine the grade of the streets, gutters and curbs of the said town of Mount Holly, and also to fix and determine the proper height, width, and position of all pavements, sidewalks and curbs hereafter to be laid in said town; and in all cases where said commissioners do perform any of the duties above specified, they shall make a report thereof in writing, under their hands, or the hands of any two of them, and deliver the same to the clerk of the township, who shall record the same in the minute book of said township, and serve a copy upon the party or parties to be affected thereby, for which the clerk shall receive twenty-five cents, to be paid by the township; and the service of the said paper shall be sufficient notice to the said party, and shall then be binding.

Duties and powers of commissioners.

2. *And be it enacted*, That the said commissioners shall have the charge and direction of all the streets or roads in the said township of Northampton, and all improvements hereafter to be made upon the roads or streets within said township, and all work to be done thereon shall be made and done under the direction of the said commissioners, or any two of them; and the said commissioners shall have charge of all the pavements, sidewalks, curbs, and gutters in said town of Mount Holly, and shall have power to compel the owners of property in said town to pave or gravel, as they may direct, the sidewalks in front of their property, and to furnish curbs for the same, the pavements

required not to exceed a width of four feet; and the overseers of the highways, and all inhabitants of said township, their workmen and agents, shall conform to the grade and regulations to be fixed and adopted by the said commissioners, or any two of them, and shall alter, and, if need be, relay the pavements, curbs, or gutters, as may be directed by the said commissioners; and if any person or persons, bodies politic or corporate, shall refuse to submit to the decision of said commissioners, or any two of them, so to be made as aforesaid, or shall make any grade or gutter, or lay any pavement or curb, or alter or change any sidewalk in the town of Mount Holly in a manner different from the regulations adopted as aforesaid by the street commissioners, then and in every such case the said street commissioners, or any two of them, shall and may cause such pavement, curb, or gutter to be laid, changed or altered, or such sidewalk to be paved, gravelled, changed or altered according to the directions of said commissioners, and the regulations adopted by them; and the whole expense thereof shall be paid by the collector of said township in the first instance, on the receipt of said commissioners, or any two of them; which said sum so paid by said township collector may be recovered of the person or persons, bodies politic or corporate, who shall have refused to submit to the decision of said commissioners as aforesaid and in front of whose property the said work shall have been done, with treble costs, in an action of debt, before any court having jurisdiction thereof, in the name of the inhabitants of the township of Northampton, in the county of Burlington.

Commissioners to bring suits, &c.

3. *And be it enacted*, That it shall be the duty of the said commissioners to institute and pursue the final judgment and execution, at the expense of said township, all such suits as are provided for in the next preceding section, and that in all such suits as are provided for in the next preceding section, and that in all such suits an account stating the materials used, and the labor done, with the cost thereof, shall be a sufficient state of demand, if suit be brought in

a court for a trial of small causes; and if brought in a higher court, then a declaration on the common count, for money paid, laid out and expended, with an account as above annexed, shall be sufficient; and in case the party against whom suit may be brought resides out of the state of New Jersey, or cannot be found in the county of Burlington to be served with summons, such summons shall and may be served by fixing a copy thereof upon the premises in front of which the work shall have been done.

Proceedings in case of refusal to remove obstructions.

4. *And be it enacted*, That the said commissioners shall have power, and it is hereby made their duty, to have all obstructions in the sidewalks and streets of said town of Mount Holly removed by the person or persons, bodies politic or corporate, causing such obstructions; and in case any person or persons, bodies politic or corporate, shall refuse to remove such obstructions according to the direction of said commissioners, or any two of them, such person or persons, bodies politic or corporate, so refusing to remove such obstruction shall and may be prosecuted before any justice of the peace of said township, in the name of the inhabitants of the township of Northampton, in the county of Burlington, on the complaint of said commissioners, or any two of them, and the said justice shall hear and determine said complaint in a summary way, first notifying the party complained against to attend and be present, if he, she, or they shall see proper so to do; and in case such party shall be convicted before such justice of refusing to remove such obstruction, according to the direction of said commissioners, or any two of them, he, she, or they shall and may, by the judgment of said justice, be fined any sum not exceeding ten dollars, in the discretion of said justice, with costs, which said fine and costs may be enforced by execution against the goods and chattels, or against the body, as the said justice in his discretion may direct; *provided*, nothing herein contained shall be construed to prevent any person or persons, while building, from occupying so much of the streets and sidewalks as may be necessary for the purpose.

Proviso.

Compensation to commissioners.

5. *And be it enacted*, That the said commissioners shall be appointed; William H. Pancoast, for three years, William N. Shinn for two years, and Thomas C. Alcott for one year, and at each annual town meeting thereafter the term of the commissioner that expires shall be filled by a new election, and the said commissioners shall be allowed for their services an annual salary each of twenty-five dollars, which shall be paid by the collector of said township; in case of vacancy by death, resignation, or otherwise, the township committee of said township shall have power to fill the vacancy, by appointing another person to act as commissioner until the next annual town meeting; *provided*, that William H. Pancoast shall serve for three years, William N. Shinn for two, and Thomas C. Alcott for one year.

Proviso.

Boundaries of town.

6. *And be it enacted*, That the boundaries of the town of Mount Holly shall be as follows, viz: beginning at the middle of the public road from Mount Holly to Burlington, where the division line between the townships of Northampton and Westhampton crosses the same, thence along the said division line between said townships to the middle of the south road from Mount Holly to Pemberton, thence a direct line to the toll-house lately erected on the turnpike from Mount Holly to Lumberton, thence in a direct line to the two bridges, in the turnpike from Mount Holly to Rancocas, thence along the aforesaid division line between the said townships, to the place of beginning.

Accounts of overseer of the highways to be certified.

7. *And be enacted*, That no account of the overseer of the highways of said township of Northampton, shall be allowed by the township committee of said township, unless the same shall be certified to be correct by said street commissioners or any two of them, and in case any overseer of the highways shall do or cause to be done any work upon the roads or streets in said township, without the direction of said commissioners, he shall not be entitled to any compensation therefor.

Part of former act repealed.

8. *And be it enacted*, That all acts, and parts of acts, relating to the powers and duties of overseers of the highways of this state, inconsistent with the provisions of this

act, so far as the same relates or applies to the township of Northampton, in the county of Burlington, be and the same are hereby repealed.

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

Approved March 23, 1859.

CHAPTER CC.

AN ACT to confirm the official acts of Stephen Jackson, of Rahway, in the county of Union, as commissioner of deeds for the county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all proceedings which have been had by and before Stephen Jackson, as a commissioner of deeds for the county of Union, and all official acts done by him in said county since the nineteenth day of February, eighteen hundred and fifty-eight, to the eighth day of March, one thousand eight hundred and fifty-nine, shall be held to be of the same force and validity as if the said Stephen Jackson's oath of office, as directed by the law, had been filed in the office of the clerk of the county of Union, on the said nineteenth day of February, one thousand eight hundred and fifty-eight. Official acts confirmed.

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

Approved March 23, 1859.

CHAPTER CCI.

AN ACT to incorporate the Moorestown and Mount Laurel 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 Moorestown and Mount Laurel Turnpike Company shall be opened by David Darnell, Allen Rogers, Yeamans M. Gillingham, George F. Doughten, Charles Jessup, David Davis, Japhet B. Joyce, and Ambrose M. Risdon, or a majority of them, who are hereby appointed commissioners 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 two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be six thousand dollars, with liberty for the said company to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred and forty 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 Moorestown and Mount Laurel 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 instalments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in instalments, at such times and places, and to such persons as the president and di-

rectors of the company shall from time to time direct, and give public notice thereof in the manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of the shares subscribed for shall exceed the number of shares authorized by this act, that the commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided, also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments. Proviso. Proviso.

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

5. *And be it enacted*, That when two hundred and forty 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, nine 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, Election of directors.

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; *provided, nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Proviso.

Election of president.

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

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and a resident in the county of Burlington, and all officers, agents, superintendents, and other servants, who 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 transfers of the stock, and for the general

government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state, or of the United States. 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 to be made.

9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as 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 meetings unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors. Special meetings.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid, and that until such election shall 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. Charter not void for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road three rods wide, from the junction of the Mount Holly and Moorestown turnpike and the Moorestown and Camden turnpike, in the upper part of Moorestown to the junction of the Moorestown and Mount Laurel road, and the Mount Laurel and Mount Holly road, on the southeasterly side of Evesham Mount, with the privilege of extending the said road from the said junction of said roads last named, by the way of Cox's Corner to the turnpike road leading from Company authorized to construct road.

Medford to Lumberton, at the village of Crossroads, which said turnpike road shall be constructed on and along the public highway leading from the upper part of Moorestown to Mount Laurel, and in case the same shall be extended as above named, then such extension shall be constructed on and along the public road leading from Mount Laurel by way of Cox's Corner to the village of Crossroads, in the township of Medford, and county of Burlington; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the said highways aforesaid, they shall pay to the respective owners of the lands over which the said turnpike road shall pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, for the construction or maintaining of said turnpike road.

Proviso.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as 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 seventeen 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 four 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 twenty 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 cannot agree.

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 with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and under drains across and through such lands necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and that when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of 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, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown or out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time upon satisfactory

evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials and to assess the damages upon such 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 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 make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land or materials and damages aforesaid, and to make a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and 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 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 justice, commis-

sioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall, in all cases, be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, from Moorestown to Mount Laurel, or from Moorestown to the Crossroads, or to any position between Mount Laurel and the Crossroads, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding two in number, between Moorestown and Mount Laurel, or four in number for the whole distance, and to demand and receive toll for travelling each mile, and all fractions of a mile of the said road, not exceeding the following rates, to wit:—

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

For every additional beast, one cent.

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

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

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

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

Proviso.

Mile-stones to be erected.

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

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing 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 taking illegal tolls.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates and turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by, and recovered for the

sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for other carriages, or persons on horseback, to pass; and if any person shall offend against this provision, such person 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 in case road and bridges are not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made by three respectable freeholders, residents in the county of Burlington, to any judge of the court of common pleas of the said county of Burlington, who may be disinterested, the said judge shall immediately appoint, by writing, under his hand and seal, three disinterested freeholders of said county, who shall view the said road, and report in writing, under their hands and seals, or under the hands and seals of any two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who 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 so

appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed, but if, on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint.

Act, when to take effect.

20. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, or such parts thereof as may be used for that purpose, are vacated as public highways, according to law; and if the said road is not commenced within three years, and completed as far as Mount Laurel within five years, and from Mount Laurel to the Crossroads, or some point between those places, within ten years from the passage of this act, that then and in case no part of said road shall be commenced and completed within the times above specified, this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 23, 1859.

CHAPTER CCII.

AN ACT to incorporate the West Hoboken and Hoboken Passenger Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Edmund Charles, Cornelius V. Clickener, William H. Hemenover, Edwin R. V. Wright, George Groschell, John Hague and Richard M. Harrington, and such other persons as may be hereafter associated with them, their successors and assigns, be and they are hereby created a body corporate and politic, in fact and in name, by the name of "The West Hoboken and Hoboken Passenger Railway 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. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be 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, and limited to such number of shares to each subscriber, 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, as they or a majority of them may think proper, giving at least twenty days' notice of the same in some newspaper published in the city of Hoboken; and that at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them; as soon as ten thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom Commissioners to receive subscriptions. Election of directors.

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 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 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 the directors shall be fixed by the said persons named in the first section of this act, or by a majority of them; and the directors chosen at such meeting, and at the annual elections of such 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 may be filled for the remainder of the term for which they were elected 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 the corporation shall prescribe.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That 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 be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be a quorum for the transaction of all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, 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 necessary, and to establish and fix such salaries thereto, or make such compensation as to them shall seem proper.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point in Hoboken, south of First street, within the limits of Hoboken, on the most eligible route through said city of Hoboken, to a point near the toll-house of the Paterson and New York plank road, and thence through Washington village northerly by the most convenient route to the northerly line of West Hoboken, and there to end, not exceeding forty feet in width, in the county of Hudson, by the most eligible route, 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; 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 and waters for the purpose of exploring, surveying, levelling, or laying out the route or routes 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 determined, and a survey thereof filed in the office of the clerk of Hudson county, 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, inclined planes, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or neces-

sary for the construction, completion, or repair of said road, subject to such compensation as hereinafter provided;

Proviso. *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands

Proviso. be first had and obtained; *and provided also*, that horse or animal power, and no other, shall be used by the company in running their cars or carriages.

Route of road. 7. *And be it enacted*, That the West Hoboken and Hoboken passenger railway company shall not approach the Hudson river at any point to within one thousand feet of high water mark, except within the corporate limits of the city of Hoboken, and further, that it shall not approach to within one hundred and fifty feet of said high water mark in the Hudson river, without first having obtained in writing the consent of the owner or owners of the property lying along the river at that point.

Proceedings in case company and owners 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 land or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of 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 and out of this 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 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, non-residents in the county in which the lands or materials in controversy lie, 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 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 controversy, 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 or 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 land 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 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 a nature of a mortgage; and the said justice of the supreme 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 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 to the company.

Parties dissatisfied may appeal.

9. *And be it enacted*, That in case the said company, or the owner or owners of the 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 filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the 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 shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by 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 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, the same being first paid into the court of chancery.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their road, and at the different and intermediate depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of property and the 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 over such creeks or 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. What real estate may be held.

11. *And be it enacted*, That for the purpose of improving their property and to enable them to raise money to carry into effect the objects of this act, the said West Hoboken and Hoboken Passenger Railway Palisade Company are authorized to issue their bonds, bearing an interest not exceeding seven per centum per annum, and to sell and dispose of the same to any person or corporation at any rate not less than ninety per centum of their value, without the same being invalidated thereby, or any person or corporation being liable to any penalty therefor; and to secure the payments of such bonds, the said company shall have power to convey or pledge, by way of mortgage, trust, or otherwise, the whole or any part of the property, franchises, or chartered rights of said company, and such conveyance, pledge, or any foreclosure sale, or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser all the property, franchises, and chartered rights of said company free from all encumbrances and debts that were not liens on such property prior to the recording or registry of said mortgage. Company authorized to issue bonds.

12. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends Dividends.

as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Penalty for injuring works.

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

When company may commence running.

14. *And be it enacted*, That when one mile or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions enacted by this act.

Commencement and completion of road.

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

Annual tax to be paid to state.

16. *And be it enacted*, That on the first day of January after the railroad and its appendages, or any part thereof, shall be finished so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter a like statement of all further cost and expenses from year to year; and the president and treasurer of said company shall also, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road on the first day of January after it shall be used, and annually thereafter; and as soon as said railroad, or any part thereof, shall be put in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the amount expended by said company for said road, which shall, in like manner, be paid annually thereafter on the first Monday of January of each year; and that no

other tax or other impost shall be levied or assessed upon the said company.

17. *And be it enacted*, That this act shall continue in force for and during the term of thirty years, and that the legislature may at any time alter, modify or repeal the same. Limitation.

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

Approved March 23, 1859.

CHAPTER CCIII.

AN ACT to authorize the trustees of the Methodist Episcopal Church at Roseville, in the city of Newark, to sell 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 at Roseville, in the eleventh ward of the city of Newark, are hereby authorized and empowered to sell, either at public or private sale, certain lots of land and premises situate in Roseville avenue, in the eleventh ward of the city of Newark, and conveyed to the said trustees by James A. Wilson; and to execute and deliver to the purchaser or purchasers thereof good and sufficient deeds for the same, under the hands and seals of the said trustees, by which said purchaser or purchasers, his or their heirs and assigns, shall hold the land so conveyed to their own use, free and clear, and absolutely discharged from all Trustees authorized to sell real estate.

trusts whatsoever, upon which the same are now held as aforesaid.

Proceedings of trustees to be recorded.

2. *And be it enacted*, That the said trustees shall cause to be entered in their book of records a correct statement of all their proceedings under this act, of the moneys received for the sale of said lots, and of the expense attending the same, and that the proceeds arising therefrom shall be held or disbursed for the use and benefit of the said church.

Approved March 23d, 1859.

CHAPTER CCIV.

AN ACT to provide for the removal of obstructions to the free course of the waters in the Rockaway river and Whippany river in the county of Morris.

Managers to make assessment.

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 to be appointed in manner as hereinafter mentioned to assess all the flowed lands on the Rockaway river; also all the flowed lands on the Whippany river, so far as in their judgment the said lands will be benefited, for such sum or sums of money as in their judgment may be sufficient to remove all obstructions to the free course of the waters in said rivers, also for enlarging the New river, a branch of the Whippany river.

2. *And be it enacted*, That the owners and possessors of said flowed lands shall and may on the second Tuesday after the second Monday in April next, at three o'clock in the afternoon, meet at the Hanover Neck school-house, in the township of Hanover (and may hold all subsequent meetings on their own adjournment), and when met shall by a majority of votes, one vote to be counted for each acre severally owned or possessed, choose not less than three nor more than five persons being owners of flowed lands, managers for the ensuing year, and three persons a committee to examine the accounts of the said managers, and also three disinterested persons commissioners of appeal. Election of managers.

3. *And be it enacted*, That the said managers or a majority of them, shall make a fair and reasonable assessment of all the flowed lands above mentioned, whether in the hands of the owners or possessors thereof, in proportion as well to the quantity of land each person may own or possess, as to the benefit to be received therefrom; and they or one of them shall give notice thereof to each owner or possessor, and if any owner or possessor shall after such notice feel aggrieved by any assessment to be made by virtue of this act, such owner or possessor may apply to the commissioners to meet on his lands alleged to be over-taxed, giving at least three days' previous notice of such meeting to the managers to be appointed under this act, and if it shall appear to the said commissioners, or any two of them, that such person or persons are over-taxed, they shall strike off such sum or sums as may appear too much, together with such part of the expenses of their attendance as they shall think just and right, and the judgment of the said commissioners, or any two of them, signified in writing, shall be conclusive to the parties; but the expenses of ascertaining the quantity of flowed lands each person owns or is possessed of, in cases where the quantity is disputed, shall be paid by the owner or possessor. Persons dissatisfied with assessment may appeal.

4. *And be it enacted*, That if any person or persons shall neglect or refuse, for the space of forty days, after notice Proceedings in case of refusal to

pay assessment.

aforesaid, to pay the sum or sums on him, her or them respectively assessed, and shall not within that time, if they feel themselves aggrieved, procure the said commissioners to meet and determine the same as hereinbefore provided; or shall refuse or neglect to pay such sum or sums, as the said commissioners shall adjudge a fair and reasonable assessment, together with expenses of the said commissioners' attendance, or such part of said expenses, as they or any two of them may deem just and right, within fifteen days after the said commissioners shall have determined the same, and given notice thereof, then it shall be lawful for the said managers or any one of them to make return of the name or names of such delinquent or delinquents, together with the sum or sums by him, her or them respectively required to be paid, to any justice of the peace of the county where such delinquents may reside or can be found, which justice of the peace, upon the oath or affirmation of one of the managers, that each and every of the delinquents therein named, had been duly notified of the sum or sums by them respectively to be paid, as therein contained, and that the same remains unpaid, shall forthwith issue his warrant of distress, directed to some one of the constables of said county, commanding him to seize upon the goods and chattels of such delinquent or delinquents, and after five days' notice by advertisements set up in three public places in said county, to make sale of the same or so much thereof as may be sufficient to pay the sum or sums required of said delinquent or delinquents as aforesaid, together with costs and pay the same to the managers aforesaid, or one of them, and to make return of his proceedings thereon, to the said justice within forty days, and the said justice and constable shall receive the same fees, and be liable to the same penalties as in other cases of taxation.

Managers to keep books of account.

5. *And be it enacted*, That the said managers shall keep a book open at all times to inspection, containing a regular account of all moneys they may have received and of payments made, and of expenses they have been at, which

accounts they shall lay before and exhibit to a committee to be appointed by the owners and possessors of said land whenever they shall be required so to do; and the said managers shall be liable for all moneys by them received, and not applied for the purpose of clearing the obstructions in the watercourses aforesaid, and shall pay the balance in their hands over to their successors in office; and in case of neglect or refusal shall be liable for the same in an action of debt, to be sued for and recovered by any owner or possessor in his own name, in any court where the same may be cognizable, to be applied to the removing of obstructions in the watercourses aforesaid.

Vacancies, how supplied.

6. *And be it enacted*, That any person chosen a manager in pursuance of this act who shall accept such appointment and shall refuse or neglect to perform the duties enjoined on him, shall forfeit and pay the sum of twenty dollars, to be sued for in an action of debt, by any person that will prosecute for the same, to be applied to the clearing of the said watercourses; and in case a vacancy shall happen by the death, resignation or otherwise of any one or more of said managers, commissioners of appeal or committee, it shall be the duty of the managers by advertisements set up in five or more public places, in the vicinity of said flowed lands, to give at least two weeks' notice of the time and place of meeting of the said owners and possessors to choose a person or persons to supply such vacancy.

Penalty for obstructing watercourse.

7. *And be it enacted*, That if any person or persons shall cause any obstruction whatever in the said watercourses, and shall not remove the same within five days after receiving notice to that effect from any of the said managers, he shall forfeit and pay twenty dollars with costs, together with the expenses of removing the same, to be sued for and recovered as aforesaid, and applied towards cleaning said watercourses.

Managers to continue in office until others are chosen.

8. *And be it enacted*, That if the owners or possessors of said lands, shall in any year refuse or neglect to meet and elect managers and other officers, in such case the managers and other officers of the preceding year shall continue in office,

and have the same powers and privileges and be subject to the same penalties as before, until new ones are chosen.

Commissioners and managers to take oath.

9. *And be it enacted*, That the commissioners of appeal and managers aforesaid shall receive for their services, each one dollar per day, and shall severally before they shall enter upon the discharge of their duties under this act take and subscribe an oath or affirmation, before some person authorized by law to administer an oath, that they will severally well and truly discharge the duties of their respective offices under this act, without partiality and according to the best of their skill and understanding, which oaths and affirmations shall be filed by the said managers among the papers in their hands touching the matters provided for by this act and be by them handed over to their successors in office.

Public act.

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

Approved March 23, 1859.

CHAPTER CCV.

AN ACT to alter the boundary line between the townships of Winslow, Gloucester and Waterford, in the county of Camden.

Description of boundary line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Winslow and Gloucester lying northerly and northwest-

wardly of a line commencing in the present Waterford township line so as to intersect the most eastwardly line of Samuel Shreve's land; thence along said line between Samuel Shreve and James McLain's homestead until it intersects Tinker's branch; thence along said branch until it intersects the New Freedom and Clementon road; thence along the southwestwardly side of and including said road until it intersects the Long-a-Coming and Clementon road; thence in a direct course by the way of and including Joseph S. Read's brick-yard to the line between Waterford and Gloucester townships, and including parts of Winslow and Gloucester townships, be and the same is hereby set off from the said townships of Winslow and Gloucester, and attached to and made part of the said township of Waterford.

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

Approved March 23, 1859.

CHAPTER CCVI.

AN ACT to incorporate the Union County Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Boice, Zachariah Webster, Jacob Manning, Phineas M. French, Manning Stelle, David Coon, Levi Hatfield, Rudolph M. Titsworth, Names of corporators.

Isaac S. Dunn, Manning Vermeule, Randolph Dunham, William Dunn and their associates, shall be and they are hereby created a body politic and corporate, by the name of Union County Bank, and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part rates, fraction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with liberty to increase it to two hundred thousand dollars, and shall be divided into shares of fifty dollars each; that Alfred Berry, Enos W. Runyon, Zachariah Webster, William S. Dunham, Isaac D. Titsworth, or a majority of them, shall be and they are hereby appointed commissioners to open at Plainfield books of subscription for, and to receive subscriptions to, said capital stock, giving at least twenty days' notice in one or more of the newspapers printed in the county of Union of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the first day of the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock, and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of thirteen directors, seven of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of the said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year, and until their successors shall be chosen; that the annual election of directors shall be on the first Tuesday in May in every year, at the banking-house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers printed in the county of Union; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her, or their own name or names, for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board; the said judges, or a majority of them, shall thereupon select from those not elected, and having the highest number of votes, as many as may be required to make up the full number of thirteen directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of said thirteen to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors by death, resignation or otherwise, such vacancy may be filled for

Annual election of directors.

the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Election of first directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the town of Plainfield, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in one or more of the newspapers printed in the county of Union; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner hereinbefore prescribed of said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner hereinbefore prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier of said moneys shall be full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein by death, resignation, or otherwise, and shall hold their offices until the first Tuesday in May, in the year eighteen hun-

dred and sixty, after their election, and until their successors shall be chosen.

Tax to be paid to state.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation, all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payment of said instalments shall be given, by advertising in one or more of the newspapers printed in the county of Union, and that no instalment of more than ten dollars on each share, shall be called in at one time, nor shall said instalments be required to be paid nearer than within thirty days of each other.

Proviso.

Appointment of cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed, or re-appointed annually, liable, however, to be removed, and another appointed in his place, at the pleasure of the said board of directors, and upon such appointment or re-appointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills or notes assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not

under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation, to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation, shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Transfers of stock.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring, shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

Charter forfeited if bills are not redeemed.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem, in lawful money, any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under the pain of for-

feiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid.

Assets of corporation liable for payment of bills.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent, shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery, or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation, which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they have ceased to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any said directors, the other directors who may be liable, shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property shall or may be levied on or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers under the provision of this act, shall be

Proviso.

sold until after the expiration of four months from the date of said judgment or decree.

Amount of assets to be divided pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property, shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer his stock or other property, to avoid such liability.

Proviso.

Actions against stockholders or directors.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers, may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the number and denominations thereof.

Proviso.

Amount of issue.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock, actually paid in, and if the

president or cashier thereof, shall knowingly or wilfully, issue, or cause or suffer to be issued, bills or notes of said corporation, exceeding double the amount of its capital stock, actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment not less than one year, nor more than five years, in the discretion of the court.

Monthly statement to be made.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish in one or more of the newspapers published in the county of Union, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual statements now required by law, and shall within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully, falsely, swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Affidavit of amount of capital paid in to be filed.

19. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating, that twenty-five thousand dollars of the capital stock of said corporation had been subscribed for, and paid in conformable to the provisions of this act.

Limitation.

20. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Approved March 23, 1859.

CHAPTER CCVII.

AN ACT to incorporate "The Weequahick Lake Association."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Battin, Henry Meeker, John Young, James J. Mapes, John R. Pierson, William F. Day, John C. Beardsley, Oliver S. Halsted, Junior, John Teese, William Price and George R. Chetwood, and their associates and successors, shall be and they are hereby constituted a body politic and corporate by the name of "The Weequahick Lake Association," with the power to purchase, hold and improve such real estate as may be necessary for the purposes of said society, and power to sell and convey the same, and with all the powers, rights and incidents of a corporation under the laws of the state of New Jersey.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with the privilege of increasing the same to fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders at such time and in such manner, and in such instalments as the directors of said company may direct, and in such penalties for neglecting the payment of such instalments as the said directors shall deem advisable; and such shares shall be deemed personal property, and be transferable in such manner as the company by their by-laws may appoint; *provided*, that at least thirty days' notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named person, or a majority of them, shall be commissioners to open books and 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 notice

thereof at least two weeks, by publishing the same for two weeks in some newspaper published in this state, and circulating in the counties of Essex and Union; and as soon as the sum of ten thousand dollars shall be subscribed and paid in, a like publication as aforesaid, for the space of two weeks, shall be given for the meeting of the stockholders, to choose eleven directors, who shall hold their office for one year, and until others are elected.

Subscription books, &c., to be delivered to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to the directors elected as aforesaid the subscription books and moneys paid in, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting and commence business.

Commissioners to lease tract of land.

5. *And be it enacted*, That Joseph Battin, Henry Meeker, John Young, James J. Mapes, John R. Pierson, William F. Day, John C. Beardsley, Oliver S. Halsted, junior, John Teese, William Price and George R. Chetwood, or a majority of them, are hereby appointed commissioners to lease or purchase within one year from the date of this act such tract or parcel of land for the uses and purposes of this association as they may deem suitable therefor, which tract or parcel, when so leased or purchased, shall be leased or conveyed to said association, and shall be the only land held and used by them for the purposes contemplated by the provisions of this act; *provided*, such tract of land shall be located in the township of Clinton, in the county of Essex.

Proviso.

Duties and powers of directors.

6. *And be it enacted*, That after the land needed for the purposes of said association shall be leased or purchased as aforesaid, all the affairs of the company shall be managed by eleven directors, to be chosen by the stockholders annually at such time and place, in such manner, and upon such notice as by the by-laws of said company may be directed, who shall serve for one year, and until others are

chosen in their stead; and the said directors shall from time to time elect a president from their (their) body, and shall also elect and employ such other officers as they may deem necessary, and make all such by-laws, rules and regulations as they may think proper for the regulation and government of said association, for admission to their grounds; and for the purpose of maintaining order and preventing disturbances in and about the grounds shall have police jurisdiction within quarter of a mile of the boundaries thereof, with power to suppress the sale of ardent spirits, or to prohibit gambling, or any breach of the peace or laws of the state; and the said company shall not suffer or permit their grounds to be opened for pleasure (or) travel on the Sabbath day, nor suffer the lake, or said grounds, to be used for skating, fishing, or boating on the Sabbath day.

Objects of association.

7. *And be it enacted*, That the object of the said association shall be to improve the swamp and low lands lying above or about the Stone bridge, on the creek known as Bound creek, in the township of Clinton, in the county of Essex, by overflowing any portion of the same, by means of a dam, or otherwise, to be erected and built on said Bound creek; and for the purpose of carrying out the provisions of this act, the said association are hereby authorized and empowered to erect a dam above the Stone bridge on Bound creek, in the township aforesaid, of such height as will permit the overflow thereof to pass under the arches of said bridge, or otherwise to create an artificial lake, by overflowing said swamp and low lands; and to lay out the lands adjoining thereto, or any part thereof, into squares, parks, walks and other divisions, making such improvements as may be found or deemed necessary, convenient or ornamental; *provided*, the land thereby used or overflowed shall be previously leased or purchased for the use of the said association, as hereinbefore provided; and for the further carrying out the objects of this act the said association are hereby authorized and empowered to collect and receive a revenue from the sale of ice taken

Proviso.

from said lake, and by the hiring of the grounds so leased or purchased as aforesaid, for boating, fishing, skating, pic-nics, drives, and the general occupation thereof as a grove.

8. *And be it enacted*, That for the purpose of further carrying out the provisions of this act, said association shall be allowed to purchase or lease in the manner aforesaid, and to hold such real estate, and shall also be allowed to purchase and hold such personal estate as may be necessary for the purposes of said association. Association may hold real estate.

9. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for forty-nine years. Limitation.

Approved March 23, 1859.

CHAPTER CCVIII.

AN ACT to incorporate the American Telegraph Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Cooper, Abraham S. Hewitt, Cyrus W. Field, Hiram O. Olden, Edward M. Archibald, Francis Morris, Robert W. Russell, and John H. Purdy, and such other persons as may hereafter be or become stockholders in the manner hereinafter provided for, shall be and are hereby ordained, constituted, and declared to be a corporation and body corporate and politic, in fact and in name, by the name of "The American Tele- Names of corporators

graph Company," and shall possess the general powers, and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be seven hundred and forty thousand dollars, with liberty to increase the same from time to time, at the discretion of the directors, to an amount not exceeding two millions of dollars, which capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable in such manner as the said corporation shall by their by-laws direct: the said capital stock of seven hundred and forty thousand dollars shall represent the following property, that is to say: the telegraph lines, patent rights, and other property owned by the companies called the American Telegraph Company and the New York and Washington Printing Telegraph Company, each of which companies has a telegraph line running through this state and other states, seven thousand four hundred shares of the said capital stock, amounting to seven hundred and forty thousand dollars, shall be issued to the persons named in the first section of this act, and the other stockholders in the said last mentioned companies, who shall thereupon be and become stockholders in the company incorporated by this act, and the whole capital of the said corporation shall be deemed and considered to have been paid in.

Company authorized to construct and maintain lines of telegraph.

3. *And be it enacted*, That the said company shall have power to construct or purchase, hold, use, and maintain any line or lines of electric telegraph, with the appurtenances, whether wholly within (or wholly beyond), or partly within or partly beyond the limits of this state, or to purchase or take any lease of or other interest, legal or equitable in such line or lines, or the whole or any part of the stocks of any telegraph companies, and from time to time to discontinue such line or lines, or any part thereof, or to change the routes thereof, or any part thereof, to purchase

any patent or patents, or any share thereof, or interest therein, for any telegraph apparatus or any invention relating to electric telegraphs, to purchase and hold any interest in real or personal estate required for the purposes of the company, to borrow money for any of the purposes aforesaid, to sell, assign, convey, mortgage, lease, or otherwise dispose of any of the property held by the company, as the board of directors may from time to time determine, and to divide the proceeds of such sales amongst the stockholders: the said corporation may, on making any purchase or lease mentioned in this section, pay the price or consideration in the shares of the stock of the corporation hereby created, and such last mentioned shares shall be deemed to represent so much capital paid in cash; and for the purposes aforesaid all necessary and incidental powers are hereby granted to the said corporation; and all contracts may be made either verbally or in writing, with or without the corporate seal, as may be provided in the by-laws of the company, except that all assignments, mortgages and conveyances of any part of the property of the said company must be signed by the president, or vice president and secretary, and sealed with the seal of the company by the authority of the board of directors; the board of directors of the said company may receive subscription for stock, and require payment of the same from such persons in such manner as they may by resolution, determine; and they may forfeit shares for the non-payment of the arrears due thereon.

Election of directors.

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 sixty, 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 the 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 this state, shall be eligible to the office of director.

Corporation not dissolved for failure to elect on day prescribed.

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

Place of business of company.

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 injuring 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 in the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Company may use lines of other corporations.

8. *And be it enacted*, That the said company shall be and they are hereby authorized to take, hold, use and maintain the lines of telegraph now existing in this state, and worked by the said telegraph companies named in the second section of this act, and shall be authorized to erect, construct and maintain, from time to time, the necessary fixtures for the same, or any other lines of telegraph over or under any of the public roads, streets and highways, and through, across or under any of the waters within the limits of this state; *provided*, the same shall not be so constructed as to interfere with the safety or convenience of persons travelling on or over the said roads, or highways, or injuriously interrupt the navigation of said waters, nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this state; *provided also*, that the use of the public streets in any of the incorporated cities and towns of this state shall be subject to such regulations and restrictions as may be imposed by the corporate authorities of said cities or towns; *provided also*, that the tariff of charges at the various offices in this state, shall not be increased at any time beyond the present rates.

Proviso.

Proviso.

Proviso.

Messages on public business to be transmitted free of charge.

9. *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 this state, to transmit (confidentially, if required) messages relating to the public business thereof, and also at all times to assist the police officers of the state by the transmission of intelligence; the said company shall be taxed for the value of their lines and property in this state, and no more, in the several counties through which the said lines may pass or the said property exist.

Act may be amended, &c.

10. *And be it enacted*, That this act shall take effect immediately, and that the legislature may at any time alter, amend, or repeal the same.

Approved March 23, 1859.

CHAPTER CCIX.

AN ACT concerning the fencing of cleared farms and lots in the township of Jackson, county of Ocean.

Owners not to recover damages if farm is not fenced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the owner of any cleared farm or lot in the township of Jackson, in the county of Ocean, to build and erect such fence or fences as are now declared by law to be a legal fence, on the outside boundaries of such cleared farms or lots; and if any owner or owners of such cleared farms or lots shall neglect to build such fence, he, she, or they so neglecting shall not be entitled to, nor shall recover, any damage or damages he, she, or they may sustain by reason of any trespass committed by neat cattle on said cleared farms or lots; *provided*, that this act shall not take effect until a majority of the legal voters, voting at a special, or any subsequent town meeting shall have approved of the same.

Proviso.

Approved March 23, 1859.

CHAPTER CCX.

AN ACT to consolidate the Bergen Point and Staten Island and Constables' Hook and New York Ferry Companies.

Companies united.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Bergen Point and Staten Island Ferry Company and the Constables' Hook and New York Company be and the same are hereby united and consolidated, and shall hereafter be known by the name and title of "The Bergen Point, Staten Island and New York Ferry Company."

Part of former acts repealed.

2. *And be it enacted*, That the said Bergen Point, Staten Island and New York Ferry Company shall have, possess, and enjoy all the rights, franchises, privileges, and property, and be subject to the same restrictions, liabilities, forfeitures, and limitations as are contained in the respective charters hereby consolidated; and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 23, 1859.

CHAPTER CCXI.

AN ACT relative to unclaimed dividends and deposits.

Statements to be published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every corporation in this state, on or before the fifteenth day of January next, and annually thereafter, shall cause to be published and continued for six weeks successively in one newspaper having the largest circulation published in the county in which such corporation may be located, but if no newspaper is published in such county, then in one published in an adjoining county, a true and accurate statement, verified by the oath of the president, cashier, secretary or other officer of the company, of all the deposits made with said company, and of all dividends declared upon the capital stock of said company, which at the date of such statement shall have remained unclaimed by any person authorized to receive them, for three years then next preceding; which statement shall set forth the time such deposit was made, its amount, the name and residence, if known, of the person making it, the name of the person in whose favor the dividend may have been declared, its amount, and upon what number of shares of the stock of said company.

Expenses of advertising, how paid.

2. *And be it enacted*, That in all cases the expense of advertising the same shall be deducted from the sums unclaimed in proportion to the amount of each respectively.

Penalty for failing to comply with provisions of act.

3. *And be it enacted*, That any corporation failing to comply with the provisions of this act, shall forfeit fifty dollars to be recovered in an action of debt with costs of suit, in any court of record of this state having jurisdiction of the same, to any person claiming the same.

Approved March 23, 1859.

CHAPTER CCXII.

A SUPPLEMENT to the act entitled An act to incorporate the New Jersey State Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers granted to the society in virtue of the act to which this is a supplement, and the "Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto, it shall be competent and lawful for the said society by its officers and in such manner as its by-laws may direct, to institute and establish such rules and regulations as may be necessary for maintaining order and preventing disturbance at the fairs and exhibitions of the said society, and shall have police jurisdiction within the distance of one mile from the boundaries of the grounds on which said fairs and exhibitions shall be held, with power within that distance to prevent the unlawful sale of ardent spirits and to prevent gambling and every breach of the peace or laws of the state, and for the purpose of enforcing such rules and regulations, and the carrying out of such police jurisdiction and the prevention of the unlawful sale of ardent spirits, gambling and breaches of the peace; the officers of the said society may from time to time appoint as many persons as they may deem necessary for the said purposes, and the said persons shall be at all times when in the exercise of the functions hereby assigned to them distinguished by some badge openly worn upon their persons, designating their offices, and they shall have power and authority to arrest and detain all such offenders, and to take them before a justice of the peace or other competent authority within the jurisdiction wherein the said grounds shall be situate for examination. Society may establish rules and regulations.

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

Approved March 23, 1859.

CHAPTER CCXIII.

A SUPPLEMENT to an act entitled "An act to authorize commissioners to dig a ditch from some point on the Passaic river, at or near Pine Brook, in a direct course or as near as may be, to some point on the said river at or near the mouth of Deepewall Brook, in the county of Essex, for the purpose of draining the flowed lands on the said river and its tributaries, and relieve the people in the vicinity thereof of sickness and diseases caused thereby," approved March eleventh, eighteen hundred and fifty-eight.

Time for completion of work.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners mentioned and provided for in the act to which this is a supplement shall perform and complete the duties required of them by the act aforesaid on or before the first day of September, eighteen hundred and sixty-four; and so much of the said act as requires said commissioners to complete their said duties before the time last mentioned, be and the same is hereby repealed.

Approved March 23, 1859.

CHAPTER CCXIV.

SUPPLEMENT to an act entitled "An act to incorporate the Somerville and Easton Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Somerville and Easton Railroad Company, within six months from and after the date of this act, pay to the treasurer of this state the sum of thirteen thousand one hundred and twenty dollars and nineteen cents, being the amount of arrearages of tax reported by him to be due; and that in default thereof, the said company and the treasurer with the aid of the attorney general are authorized and required to submit all questions between them in reference to the amount of said tax upon a case by them mutually to be agreed upon to the opinion and judgment of the supreme court, and the said treasurer is hereby authorized and required to receive from the said company such amount, if anything, as may be found due according to the opinion of said court, and to give a full acquittance and discharge to said company.

Company to pay amount arrearages claimed.

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

Approved March 23, 1859.

CHAPTER CCXV.

A SUPPLEMENT to the act entitled "An act to regulate fees," approved April fifteen, eighteen hundred and forty-six.

Payment of fees to governor.

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 fee of the governor for "the seal to every certificate, exemplification, or other paper," authorized by the second section of the act to which this is a supplement, shall be paid in all cases not otherwise provided for by law, by the person receiving the "certificate, exemplification, or other paper," to the secretary of state, for the use of the governor, at the time and before the delivery of such certificate, exemplification, or other paper.

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

Approved March 23, 1859.

CHAPTER CCXVI.

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

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 that all fences set in the line of partition between persons, either of whom improve their adjoining lands, shall be so close, strong and sufficient as to prevent sheep from going through or under the same, shall not hereafter apply or be extended to lands of adjoining owners lying upon streams or rivers subject to overflow, commonly known as low-land meadow, but said owners shall be exempt from fencing as against sheep in all such cases, unless by mutual agreement; *provided always*, that nothing in this act shall exempt the owners of said lands from fencing against horses and neat cattle, as required by existing laws. Provisions of former act not to extend to certain cases. Proviso.

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

Approved March 23, 1859.

CHAPTER CCXVII.

A SUPPLEMENT to an "Act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six.

WHEREAS, difficulties have occurred, by public roads being laid, and not opened, used, or worked, therefore,

Roads not worked or used to be vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all public roads, having been laid by surveyors or otherwise, and not opened, worked, or used, for more than twenty years, shall be considered and they are hereby vacated.

2. *And be it enacted*, That this act shall take effect on the passage thereof.

Approved March 24, 1859.

CHAPTER CCXVIII.

A SUPPLEMENT to an act entitled "An act to authorize the land owners of West Hoboken, in the county of Hudson, to improve the avenues, streets, highways, and sidewalks, within the boundaries of the West Hoboken school district, in the township of North Bergen," approved February twenty-sixth, one thousand eight hundred and fifty-eight.

Proceedings in cases of improve-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any three persons

owning land bordering upon any avenue, street or highway in said district, may desire to improve such avenue, street, or highway in said district, or make sidewalks thereon, they shall have power to call a meeting of such land owners, by putting up twenty notices in said district in the most public places, with the names of the three persons calling such meeting, ten days immediately preceding such meeting, and designating the time, place, and the object of such meeting, and said land owners or a majority of those who have assembled at the time specified in such notice, shall choose a chairman and secretary, they being land owners in said district, who shall determine the number of votes to which each land owner is entitled, owning land, bordering upon such avenue, street or highway, who shall vote at such meeting, each land owner to be entitled to one vote for every twenty-five running feet of land owned by him or her bordering on such avenue, street or highway, and each said land owner to be entitled to one vote at least; the chairman and secretary shall receive orally or by proxy, and count the votes, and if a majority of the votes as given are in favor of such improvement as stated in the notice, their certificate of such determination, shall be evidence sufficient to carry out the provisions of this act. ment of streets, avenues, &c.

2. *And be it enacted*, That all parts of said act, contrary to this supplement, be and are hereby repealed. Part of former act repealed.

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

Approved March 23, 1859.

CHAPTER CCXIX.

A SUPPLEMENT to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Assessment and collection of road tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes assessed for making and repairing roads shall be paid in money and collected in the same manner as other taxes for county and township purposes, and at least three-fourths of the same shall be worked out on the roads, in such townships as are entitled to receive it, between the first of May and the first day of July of each and every year.

Election of commissioners of highways.

2. *And be it enacted*, That each township shall elect, at their annual town meeting, three men who shall be freeholders of the township, and who shall be called commissioners of highways, and meet at some convenient place in the township the first Monday after town meeting and proceed to lay off the townships of the different counties in the state into districts, usually of not less than three miles in length of road, having reference in all cases to equalizing the districts, and assign to each district the amount of road to be worked by each overseer, and apportion the moneys received for roads to each district in proportion to the amount of labor required to be done, and make the overseers lists accordingly, and forward them to the overseers elect; and the said commissioners shall receive for each day's service actually performed by them the sum of one dollar each, to be paid by the township committee of such township where the work has been done.

Taxes to be paid over to commissioners.

3. *And be it enacted*, That all taxes collected for roads be paid by the collector and by the constable, if collected by the tax warrant, over to the commissioners, and that they be required to give security for the safe disbursement of the same, and to pay over to the several overseers of the

various districts the money collected for such roads in the proportions assigned to each overseer by the said commissioners.

Proportion of cities, boroughs, and towns.

4. *And be it enacted*, That every city, borough, and town, corporate, shall be required annually to raise and pay over to the commissioners of highways of the several townships adjoining such city, town or borough, and from which public roads lead into such city, town or borough, at least ten per cent. of the amount in each year allotted by such commissioners to be expended in the repairs of the roads in the several districts next adjoining such city, town or borough, which sums so paid shall be by the said commissioners paid to the overseers of such districts respectively, to be by them expended thereon in the manner provided by the eighth section of this act, and as part of the sums so allotted to such districts by the said commissioners.

Election of overseers of roads.

5. *And be it enacted*, That the overseers of roads for each district shall be elected by the taxpayers of each road district in the state on the fourth Monday of March, at some convenient place agreed upon by the people of the various districts; and at the time of such election for overseer, the taxpayers of the district shall also determine whether the work in the district shall be done by the inhabitants of the district or by contract, putting the work out to the lowest bidder, and instruct their overseers accordingly; and the said overseers of highways shall receive one dollar and fifty cents per day for each and every day actually engaged in contracting for, working on, or superintending said roads or highways.

Overseers to advertise for proposals for working roads.

6. *And be it enacted*, That it shall be the duty of the overseers of the several highways immediately after their election to advertise for proposals, when the work is determined to be done by contract, for making and working the public roads for the ensuing year, which proposal or proposals shall be sealed up when received by the overseer, and by him opened on the fourth Monday in April of each and every year, when the lowest bidder, having regard at

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all times to the ability of the person to perform the work, shall be awarded the contract, and in every way comply with the contract for the work which shall be necessary to be done, either by the day or by contract, on the district which it would be the duty of the overseer to make and keep in repair, and if said work is done by the day, said contractor is required to work ten hours per day with his men and teams; and when worked by the inhabitants, ten hours shall constitute a day's work, and each man working shall be entitled to one dollar per day, or ten cents per hour, and each man and team two dollars per day, or twenty cents per hour.

Districts aggrieved may appeal.

7. *And be it enacted*, That any district which feels aggrieved or dissatisfied in apportioning the moneys of the several townships by the commissioners of highways, may through their overseer apply to the township committee whose duty it shall be to meet at their usual place of meeting in the township on the third Monday after town meeting, for the purpose of receiving the apportionment of money made by the commissioners of highways to the overseers of roads, and hear any report from any overseer who may consider his apportionment unjust, and make any change which they in their judgment may see fit, which decision shall be conclusive and remain in force for the year in which they may be called upon to decide.

Manner of repairing roads.

8. *And be it enacted*, That when done by contract or otherwise, the overseers of the various districts where it is practicable shall have the roads regularly formed, or turnpiked and gravelled; and when done by contract, the contractor to whom the work to be done is awarded, or the overseer when the work is not contracted for, shall proceed to form up the roads in the several districts, always giving preference to the roads which are travelled most, and which have never been formed up or gravelled; the said roads shall be formed usually twenty-one feet in width, and in no case to exceed twenty-five feet from outside to outside, and to raise the centre when formed not less than twelve inches, and when formed twenty-five feet wide, not less

than fifteen inches in the centre, measuring from the bottom of the ditch on the side of the road, with a regular curve from the centre to the outside, and all roads so formed shall be required to be completed by the first day of July in each and every year; and the said overseer or his contractor shall have liberty to enter the enclosure of any person owning lands on said highways, and to dig a ditch or drain for the purpose of carrying off the surplus water from the said road; *provided*, that said ditch or drain is not made at such a point as to interfere with buildings, or in any way to become a nuisance to the owner or owners of lands on such highways; and it shall not be lawful for the said owners or any other person to fill up or obstruct said ditch or drain, under the penalty of twenty dollars, to be sued for in the name of the overseer of the district in which such offence shall have been committed, in any court having proper jurisdiction of the same, which money, when collected, shall go towards the making and repairing of the said road in said district, and it shall be made the duty of the overseer to sue for and collect the same; also the overseers of the various districts shall be authorized to make and build as many small bridges, such as can be built by common laborers, as they may deem necessary to thoroughly drain the said roads.

Proviso.

9. *And be it enacted*, That the inhabitants of each road district be required to furnish the overseer with gravel when to be had conveniently, and of sufficient quantities to enable such overseer to gravel all roads made and formed in said district, as described in the eighth section of this act; and it shall be the duty of said overseers to attend to gravelling the same, and to keep sufficient moneys in hand to pay for said gravel when necessary, and that any district may be permitted to use gravel from an adjoining district when directed by the commissioners.

Inhabitants of district to furnish gravel.

10. *And be it enacted*, That hereafter it shall not be lawful for any township to assess more than seventy nor less than twenty per cent. of the amount raised for county and poor tax for road purposes.

Amount of assessment for roads.

Removal of obstructions.

11. *And be it enacted*, That any obstructions to highways caused by floods, snow drifts, or otherwise, shall be removed by the overseer of the district as soon as practicable to be done; it shall be the duty of the overseers of the various highways requiring such obstructions to be removed to order out the people of the districts adjacent to the place or places where such obstructions shall be, and proceed forthwith to remove the same, for which service the persons engaged in performing the labor shall receive the same compensation for men or men and teams as is paid for working on the roads at other times; and in case the labor is required to be done at a season of the year when the overseer has no funds in hand, the amount due for work shall be accredited to each person's name who is entitled to receive pay for the same, and deducted from his or her road tax for the ensuing year.

Roads to be scraped.

12. *And be it enacted*, That each road district where it is practicable to use it shall be required to own a road scraper, to be bought and paid for by the district, for the purpose of scraping and smoothing the surface of said roads; and it shall be the duty of the overseers of the various districts immediately after the frost is out of the ground in the spring to scrape and smooth the said roads at least once before the first day of April, or sooner if the weather does not interfere; and that any overseer neglecting to attend to such scraping and smoothing of said roads shall be liable to a fine of twenty dollars, to be sued for and collected by any person who is an inhabitant of the district, which fine, when collected, to be appropriated for the benefits of the roads of said districts.

Roads along streams or rivers.

13. *And be it enacted*, That any public road that may lay along streams or rivers in this state, and which may be washed away in whole or in part, shall be required to be made and kept in good repair, where it is practicable to repair and widen the same when washed away; but where it is not practicable to repair and widen the said road, then it shall be the duty of the overseer of the district to have the road relayed and widened, as provided for by law, so as to

make it at least two rods in width; and where the road is located upon a high river bank, the overseer to cause to be put up good and sufficient railing, so as to be entirely secure for the travelling public, and pay for the said railing out of the moneys received for the respective district.

Compensation of surveyor of highway.

14. *And be it enacted*, That no surveyor of the highway shall at any time when called to lay out a public road, receive a greater compensation or larger per diem when they grant a new road than when they do not grant such road, under a penalty of twenty dollars, to be recovered by any person, in a court having proper jurisdiction of the same, and applied for the use and benefit of the said road of said district.

Assessment of damages.

15. *And be it enacted*, That hereafter when any public road or highway shall be laid out or altered in this state, and damages shall be assessed in favor of any owner or owners of land or real estate, taken thereof in pursuance of a certain supplement to the said act, which was approved on the first day of March, eighteen hundred and fifty, the six surveyors, or a majority of them, shall at the same time, and without additional compensation, assess the said damages as equitably as may be upon the owner or owners of any land or real estate in the neighborhood of said road or highway which, in their opinion, will be benefited thereby, as nearly as may be in proportion to the benefits which the said lands of each of the said owners shall be deemed by them to have derived from the laying out and opening of the said road, and shall certify the same in writing as a part of their return now required by law.

Copy of return to be served on township clerk.

16. *And be it enacted*, That a copy of the said return, certified by the clerk of the said county, shall within ten days after the same has been filed, be served upon the township clerk of the township in which said road or highway is situated, to be kept by him with the other papers and writings of his office; and that the clerk of the said county shall be entitled to receive the sum of one dollar for such certification of the said copy, and the said township clerk the sum of twenty cents for filing the same among

the other township papers as aforesaid; and the said township clerk, within ten days after the receipt by him of said certified copy of the surveyor's return and assessment, shall give notice in writing to each of the said owners of land upon whom any sum shall have been assessed for benefits as aforesaid, stating the amount so assessed; the date and the time of filing with him of the said certified copy, to the end that said land owners may examine the same and appeal therefrom as hereafter provided, if they or either of them shall desire so to do.

Manner of collecting assessments.

17. *And be it enacted*, That the township committee of the township in which said road or highway is situated shall thereupon cause the amount of said damages to be collected from the person or persons upon whom the same have been assessed, at the same time and in the same manner as the ordinary township taxes are now collected, and shall pay the same when collected to the person or persons to whom said damages have been awarded and are entitled to receive them; after which the said road shall be opened for public use.

Parties dissatisfied with assessment may appeal.

18. *And be it enacted*, That any owner who shall be dissatisfied with the amount of damages so assessed upon him or her for benefits as aforesaid, may at any time within thirty days from the time of the notice given to him or her by said township clerk as aforesaid of such assessment, apply to any judge of the court of common pleas of said county to appoint three competent and disinterested freeholders to review the said assessment, in the manner prescribed in the fifth and eighth sections of the hereinbefore mentioned supplement; and said freeholders, in making such review, shall consider the whole of said assessment, and if any portion thereof shall be changed or varied by them, the remaining parts or portions thereof shall be so adjusted that the whole sum assessed for damages shall be assessed for benefits.

Part of assessment may be made to township.

19. *And be it enacted*, That in case the said surveyors, at the time of the laying out of any road as aforesaid, shall be of opinion that said road is a general benefit to the

township at large in which the same is situated, they shall have power to assess upon said township such part or portion of the damages awarded by them as they shall deem equitable and just, the remaining part of said damages to be assessed as hereinbefore provided; and in that case said township shall be bound to pay the amount so assessed against it at the same time with the land owners, who may also have been assessed therefor.

Damages to persons or property by reason of want of repairs to road.

20. *And be it enacted*, That if any damage shall happen to any person or persons, his, her or their team, carriage, or other property, by means of the insufficiency or want of repairs of any public road in any of the townships of this state, the person or persons sustaining such damage shall have the right to recover the same, with costs, in an action on the case in any court of competent jurisdiction in this state, to be instituted by the said person or persons, his, her or their executors or administrators against such township by its corporate name, and any judgment in such action shall be collectable in the manner and from the same property as is now by law provided for the collection of judgments against the several townships of this state.

Damages to persons or property by reason of want of repairs to bridges.

21. *And be it enacted*, That if any damage shall happen to any person or persons, his her or their team, carriage, or other property, by means of the insufficiency or want of repair of any bridge upon any public road, in any township of this state, which such township or the county in which the same shall be situate is or shall be liable to make or repair, the person or persons so sustaining such damage shall have the right to recover the same, with costs, in an action on the case in any court of competent jurisdiction in this state, to be instituted by such person or persons, his, her or their executors or administrator against the board of chosen freeholders of such county, and any judgment in such action shall be collectable in the manner and from the same property as is now provided by law for the collection of judgments against such board of chosen freeholders, or against any of the counties of this state; *provided*, that in case such bridge shall be in more than one

Proviso.

of the counties of this state, such action may be instituted against the board of chosen freeholders of either of such counties, at the option of the person or persons so injured, his, her or their executors or administrators in the manner herein provided; and any judgment recovered in such action shall and may be collected from such county against whose board of freeholders such action was instituted, and in payment thereof, the county paying the same shall be entitled to demand, sue for, have and receive of and from the other county or counties in which such bridge was situate, a ratable proportion of the sum so paid, with lawful interest thereon.

Part of former acts amended.

22. *And be it enacted*, That all acts and parts of acts repugnant hereto shall be, and the same are hereby, repealed; *provided nevertheless*, that nothing in this act contained shall apply to the counties of Burlington, Morris, Salem, Sussex, Warren, Monmouth, Cumberland, Hunterdon, Gloucester, and Mercer.

Proviso.

Approved March 23, 1859.

CHAPTER CCXX.

A SUPPLEMENT to the act entitled "An act to fund the floating debt of the county of Camden, and to provide for the payment of the same," approved March eighteenth, eighteen hundred and fifty-eight.

Fourth section of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section

of the act to which this act is a supplement as requires to be raised the sum of seven thousand dollars annually, in addition to the other moneys raised by taxes in said county of Camden, be and the same is hereby so amended and changed that the sum to be raised as provided in said section shall be four thousand dollars annually, in addition to the other moneys raised by taxes in said county of Camden.

Part of former act repealed.

2. *And be it enacted*, That so much of the said fourth section as is inconsistent with the provisions of this act, be and the same is hereby repealed.

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

Approved March 23, 1859.

CHAPTER CCXXI.

A SUPPLEMENT to an act entitled "An act to incorporate the Haddonfield and Camden Turnpike Company."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fifth section of the said act whereof this is a supplement, as provides that no stockholder shall have more than ten votes, although he or she may have a greater number of shares, be and the same is hereby repealed.

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

Approved March 23, 1859.

CHAPTER CCXXII.

A SUPPLEMENT to the act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns," approved April sixteenth, eighteen hundred and forty-six.

Game not to be killed after certain times.

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 not be lawful for any person or persons to kill, capture or hunt in or about the waters of Barnegat bay, or Mannasquan river, any geese, brant, or ducks at night, that is to say, after sunset or before daylight, nor shall it be lawful at any time to kill, capture or hunt any geese, brant, or ducks in or about the waters aforesaid, except only between the fifteenth day of October and the fifteenth day of April, yearly and every year hereafter.

Former acts repealed.

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

Approved March 23, 1859.

CHAPTER CCXXIII.

AN ACT supplementary to an act entitled "An act to re-organize the courts of law," approved February ninth, eighteen hundred and fifty-five.

Somerset county to be part of third district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, and it is hereby enacted by authority of the same*, That the county of Somerset shall hereafter form part of the third judicial district; the counties of Essex and Union shall together constitute the seventh judicial district.

Essex and Union counties to form seventh district.

Terms in Hunterdon, Mercer, Somerset, Union, and Essex.

2. *And be it enacted*, That after July fourth next, the regular terms of the courts in and for the counties of Hunterdon, Mercer, Somerset, Union and Essex shall be as follows, viz.: In the county of Hunterdon, on the first Tuesday in April, September, and December; in the county of Mercer, on the third Tuesday in April and September and the second Tuesday in January; in the county of Somerset, on the second Tuesday in May and October and the third Tuesday in December; in the county of Union, on the first Tuesday in April, September, and December; in the county of Essex, on the third Tuesday in April and September and the first Tuesday in January.

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

Approved March 23, 1859.

CHAPTER CCXXIV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Rahway," approved February twenty-sixth, one thousand eight hundred and fifty-eight.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this act is a supplement, be and the same is hereby repealed.

Boundaries of city.

2. *And be it enacted*, That all that part of the several townships of Rahway, in the county of Union, and Woodbridge, in the county of Middlesex, in this state, beginning at the stone bridge over King's creek, where said creek crosses the road leading from East Rahway to Trembley's Point; thence in a northwesterly direction on a straight line to the brook which crosses the road leading from Kinsey's corner to Florence's mill, intersecting said brook two hundred yards to the eastward of said road; thence in a southwesterly direction to the road which leads from Rahway to Westfield, and known as the Westfield road, intersecting said Westfield road at a point where the road which leads to Madison Hill intersects it; thence in a southwesterly direction on a straight line to the road leading from the Six Roads to Mount Pleasant, intersecting said Mount Pleasant road at a small bridge, about two hundred yards to the northwest of the house owned and occupied by Moses B. Bramhall; thence in a southeasterly direction along the line of said Mount Pleasant road to the road which leads from Kinsey's corner to Woodbridge, and known as the Old Woodbridge road; thence along the line of said road to the bridge which crosses the south branch of the Rahway river; thence nearly due east, to the road leading to New Blazing Star, and along the line of said New Blazing Star road to a point where the lands of Walter Fuller and Aaron Wilkinson adjoin; and thence

in a northeasterly direction in a straight line to the place of beginning; and all citizens of this 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 the city of Rahway," with all the powers incident to a municipal corporation, and necessary for the purpose of carrying out the objects of this act.

Common council authorized to raise money by tax.

3. *And be it enacted*, That it shall be lawful for the common council of the said city to raise by tax every year, in addition to the sums authorized by the act to which this act is a supplement, to be raised by tax, a sum not exceeding six hundred dollars, to be applied to the use of the fire department exclusively; and that when a majority of the owners of property lying on any street, streets, or part of a street, shall indicate, by petition to the common council of said city, a wish to have such street, streets, or part of a street, supplied with light, the common council may proceed, according to section twenty-eight of the said charter of the city of Rahway, to establish a lamp district or districts, and to raise by tax in addition to the sums authorized by the act to which this act is a supplement, to be raised by tax, a further sum, sufficient to light the same; said tax to be assessed in the manner as prescribed in the act to which this act is a supplement.

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

Approved March 23, 1859.

CHAPTER CCXXV.

A FURTHER SUPPLEMENT to the act entitled "An act for the relief of creditors against absent and absconding debtors.

Attachment may be set aside, upon defendant's giving bond, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a judge of the court out of which any attachment has issued or may issue, may in term or vacation, upon five days' notice to the plaintiff, or to any creditor admitted by rule under such attachment, or by the report of auditors on file, order the attachment and all proceedings therein to be set aside as against such plaintiff or creditor upon the defendant entering his appearance at the suit of such plaintiff or creditor, and in case any personal property, money or rights in action shall have been attached upon the defendant entering into such bond with like surety, to be approved by said judge, as is directed in the twenty-seventh section of the act to which this is a supplement, or upon the defendant entering into bond with like surety, and approved by said judge, to such creditor or plaintiff, in double the sum sworn to in the affidavit filed by him, conditioned for the return of such goods and chattels, rights and credits, moneys and effects attached if judgment be rendered for such obligee.

Property free from lien when attachment is set aside.

2. *And be it enacted*, That when said attachment shall be set aside as against the plaintiff and all creditors admitted by rule entered on affidavit or by report of auditors on file, all property attached, except real estate, shall be free from the lien thereof, and no creditor shall be admitted under any attachment after the same shall have been set aside as to the plaintiff therein.

Final judgment may be entered on report of auditors.

3. *And be it enacted*, That a final judgment may be entered of course, upon the report of the auditors in six months after the return of the attachment in term time or vacation; *provided*, the report shall have been first approved in open court, and an order made in open court that such

Proviso.

judgment be entered thereon; and it shall not be necessary for the entry of such judgment that the defendant shall have been called in three successive terms; *provided*, he shall have been called and made default, at each regular term, between the return of the attachment and judgment; and all orders for the appointment of auditors for the sale of perishable property, for advertising the attachment and for the sale of the defendant's property, may be made out of court, by a judge of the court in which the action is pending in term or vacation. Proviso.

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

Approved March 23, 1859.

CHAPTER CCXXVI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate Jersey City," passed March eighteenth, eighteen hundred and fifty one.

1. BE IT ENACTED *by the Senate and General Assembly of New Jersey*, 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 cost, as now required by law, it shall be optional for the assessors to assess said costs and charges on the lots re- Assessment in cases of taking up old sewers.

quiring such extension and use of such sewer or 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.

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

Approved March 23, 1859.

CHAPTER CCXXVII.

A FURTHER SUPPLEMENT to the act entitled "An act to establish an independent battalion in the city of Newark," approved April third, eighteen hundred and fifty-five.

Members of battalion incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are, or may hereafter become officers or members of the first Independent Battalion of the Newark brigade, organized pursuant to the provisions of the act to which this is a supplement, shall be, and they are hereby constituted and declared a body politic and corporate in law, by the name and style of "The City Battalion," 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, and

General powers.

shall have power to make, change, and alter the same at pleasure, and by their corporate name as aforesaid shall have power to purchase, hold, possess, enjoy, mortgage, sell or dispose of any real or personal estate, in fee or otherwise, for the benefit of the corporation, which may be necessary or convenient, for the purposes and ends of said corporation; *provided*, said city battalion shall not hold property to an amount exceeding thirty thousand dollars. Proviso.

2. *And be it enacted*, That the entire management of the affairs of said corporation and all the corporate powers herein granted shall be, and they are hereby vested in the battalion board of the said city battalion, a majority of whom shall constitute a legal and competent quorum for the transaction of any business within the jurisdiction of said board. Quorum.

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

Approved March 23, 1859.

CHAPTER CCXXVIII.

A FURTHER SUPPLEMENT to the act entitled "An act respecting writs of error."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That writs of error to remove causes into the court of errors and appeals shall issue out Writs of error to be under seal of court of errors and appeals.

of that court, and under its seal, and shall be dated as of the day on which it issues, and in the name of the chancellor, chief justice, or any other judge of said court.

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

Approved March 23, 1859.

CHAPTER CCXXIX.

AN ACT to defray expenses.

Certain incidental charges ordered to be paid.

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

1. To the Trenton Gas Light Company, for gas furnished to state house, one hundred and thirty-two dollars and ninety cents ($132.90).

2. To C. Barricklo & Company tumblers, pitchers, &c., furnished for the use of house of assembly, sixteen dollars and fifty cents ($16.50).

3. To Upton & Miller, for work done at state house, stoves furnished, &c., four hundred and six dollars and sixty cents ($406.60).

4. To David S. Anderson, for work and materials furnished for alterations in state library, secretary of state and

clerk in chancery offices, and work in senate chamber, two hundred and fifteen dollars and nineteen cents ($215.19).

5. To Congar & Porter, to advertising governor's thanksgiving proclamation, notice of military convention, and reward for the arrest of McMahon, in Newark Mercury, thirty-two dollars ($32).

6. To the proprietor of True Democrat, for advertising governor's proclamation, and military convention, five dollars and fifty cents ($5.50).

7. To William A. West, for ice furnished for the use of the courts and offices, for the year eighteen hundred and fifty-eight, twenty-five dollars and ninety-three cents ($25.93).

8. To Urial T. Scudder, for carpets and materials furnished for the offices of clerk in chancery, state treasurer, and library, three hundred and sixteen dollars and seventy-seven cents ($316.77).

9. To John M. Vancleve, for six days' service as one of the appraisers of the personal property of the lunatic asylum, eighteen dollars ($18).

10. To Reuben Bechtel, for five days' service as one of the appraisers of the personal property of the lunatic asylum, fifteen dollars ($15).

11. To J. H. & J. L. Gihon, for advertising military convention in Paterson Democrat, five dollars ($5.)

12. To Joseph Case, for work done at state house, six dollars and fifty-five cents ($6.55).

13. To Francis A. Pitman, for stationery furnished for the office of the clerk of the supreme court, ninety-seven dollars and fifty-three cents ($97.53).

14. To Anthony Rowley, for articles furnished for the use of the legislature, one hundred and eight dollars and four cents ($108.04).

15. To James S. Yard, for advertising general orders No. 4, ordered by Gen'l Cadwallader, four dollars ($4).

16. To Stearns and Marion, for balance due on safe furnished to clerk in chancery, thirteen dollars and twenty-five cents ($13.25).

17. To Titus H. Stout, for making fires in senate chamber, assembly room and committee rooms, and for hoisting flag, &c., one hundred and twenty-five dollars ($125).

18. To Bernard Smith, for carting sand and gravel for the use of the state, six dollars and eighty-eight cents ($6.88).

19. To Fish and Green, for lumber furnished for use of the state, forty-two dollars and thirteen cents ($42.13).

20. To A. R. Speer, for advertising brigadier's notice, and notice of military convention in New Brunswick Times, three dollars and fifty cents ($3.50).

21. To Henry B. James, for one eight day time-piece, furnished to clerk of supreme court, five dollars ($5).

22. To John W. Jackson, for stationery, furnished for the use of the senate, five hundred and fourteen dollars and seventy-five cents ($514.75).

23. To Edmund Williams, for painting and materials at the state house, one hundred and forty-eight dollars and fifty-eight cents ($148.58).

24. To Charles P. Smith, for desks and chairs for supreme court office, forty-four dollars and seventy-seven cents ($44.77).

25. To Parham & Brother, for gas fittings, water pipe and labor, at state house, two hundred and sixty-five dollars and twenty-seven cents ($265.27).

26. To the quarter-master general, for sundry items, for fuel, repairs to arms and arsenal, collecting state arms, &c., viz: To N. D. Cortnight & Co., thirty-eight dollars and eighty-five cents; Henry M. Lee, three dollars and twenty-five cents; H. I. Bennett, thirty-six dollars and seventy-five cents; H. L. Rice, three dollars and twenty-five cents; New Jersey Express Company, five dollars and sixty-three cents; J. Cartnill, five dollars; John Grinslaid, twenty-two dollars and twenty-five cents; D. S. Anderson, twenty-three dollars and fifty-four cents; Robert Bryan, twenty-seven dollars and fifty cents; Whitaker, James & Darrah, two dollars and sixty-five cents; H. I. Bennett, two dollars and sixty-two cents; John T. Page, four dollars and twenty-five cents; John Grinslaid, three dollars and fifty cents;

Trenton Locomotive and Machine Manufacturing Company, thirty-four dollars and seventy-six cents; Joseph G. Brearly & Co., nineteen dollars and eighty-eight cents; Merchants' Transportation Company, thirty-seven dollars and thirty-six cents; Camden and Amboy R. R. Company, thirteen dollars and fifty-two cents; Andrew Hammell, seven dollars; Grant & Bodine, eighteen dollars; George P. Hammell, five dollars; Charles Brearly & Co., eighteen dollars and eighteen cents; together, making three hundred and thirty-two dollars and seventy-four cents ($332.74).

27. To Isaac Fowler, work done at state house, eighteen dollars and forty-five cents ($18.45).

28. To Edward Williams, for painting, glazing, &c., for clerk of supreme court office, seventy-five dollars and forty cents ($75.40).

29. To Charles B. Cogill, for curtains and fixtures furnished for supreme court office, thirty-nine dollars and seventy cents ($39.70).

30. To Andrew R. Titus, for oil cloth, one dollar and eighty-seven cents ($1.87).

31. To Hen'd G. Scudder, for oil cloth, furnished for supreme court office, two dollars and twenty-five cents ($2.25).

32. To Willet Hicks, for spittoons, tumblers, &c., furnished for clerk in chancery, twelve dollars ($12.00).

33. To R. P. Stoll, for chair furnished for clerk in chancery, twelve dollars ($12.00).

34. To the adjutant general, for amount paid Mayer & Co., for engraving and printing, ten dollars ($10.00).

35. To Wm. R. Titus, for stone drain pipe furnished for use of state, thirty-six dollars ($36.00).

36. To S. Van Sickell, for making carpets, and work done at state house, forty dollars and eighty-two cents ($40.82).

37. To B. S. Disbrow, for desks, tables and fixtures furnished for the offices of the clerk in chancery and state treasurer, one hundred and thirteen dollars and forty cents ($113.40).

38. To Henry Thoene, for cleaning and coloring military

equipments at state arsenal, eleven dollars and seventy-five cents ($11.75).

39. To William B. Dunning, for advertising notice of military convention in Jersey City Courier and Advertiser, three dollars ($3.00).

40. To C. Scott & Co., for Nixon's Forms and Legislative Guide, for the use of the legislature, one hundred and sixty-two dollars and fifty cents ($162.50).

41. To Wm. A. Benjamin, for postage stamps furnished to quarter-master general, thirteen dollars ($13.00.)

42. To Charles Scott & Co., for stationery furnished treasury office, seventy-eight dollars ($78.00).

43. To Joshua Jeffries, for painting and materials at the state house, twenty-seven dollars and three cents ($27.03).

44. To Wm. W. Norcross, for candles furnished state house, sixteen dollars and fifty cents ($16.50).

45. To Charles Scott & Company, for stationery furnished secretary of state's office, sixty-two dollars and thirty-six cents ($62.36).

46. To Charles Scott & Company, for stationery furnished for the use of the court of errors and appeals, forty-nine dollars and sixty-five cents ($49.65).

47. To the proprietor of the Gazette and Republican, for printing adjutant general's order, and printing three hundred extra copies of governor's message, and other printing fifty-one dollars and sixty-five cents ($51.65).

48. To Charles Scott & Company, to stationery for senate, per order of secretary, ninety-six dollars and fifty-six cents ($96.56).

49. To Charles Scott & Company, for stationery furnished for the use of the supreme court office, sixty-seven dollars and eleven cents ($67.11).

50. To Charles Scott & Company, for stationery furnished for the use of the quarter-master general, nine dollars and sixty-seven cents ($9.67).

51. To David Clark, for stationery furnished for the use of the assembly, thirty-two dollars ($32.00).

52. To Wm. A. Benjamin, for postage stamps and en-

velops to members of the senate and assembly, session of eighteen hundred and fifty-nine, nine hundred and eighteen dollars and ninety-two cents ($918.92).

53. To David Clark, for stationery furnished for the use of the secretary of state's office, forty-one dollars and fifty-cents ($41.50).

54. To E. R. Borden, for services as private secretary of the governor during the present session of the legislature, three hundred dollars ($300.00).

55. To David Clark, for stationery furnished for the use of the treasury office, five dollars and fifty-four cents ($5.54).

56. To I. M. Tucker, for stationery furnished per order of stationery committee of the house of assembly, twelve hundred and sixty dollars ($1260).

57. To David Naar, for printing done for military purposes, &c., forty-three dollars and twenty-one cents ($43.21).

58. To David Clark, for stationery furnished for the use of the supreme court office, thirty-two dollars and ten cents ($32.10).

59. To David Clark, for stationery furnished for the use of the state library, twenty-eight dollars and eight cents ($28.08).

60. To David Clark, for stationery furnished for the use of the assembly, twenty-one dollars eighty-eight cents ($21.88.)

61. To David Clark, for stationery furnished for the use of the clerk in chancery's office, four hundred and thirty-three dollars ($433.00).

62. To David Clark, for stationery furnished for the use of the court of chancery, prerogative court and clerk's office, two hundred and sixty dollars and fifty-seven cents ($260.57).

63. To Lewis Parker, David S. Anderson and James H. McGuire, for appraising personal property at state prison, two hundred and four dollars ($204.00).

64. To John J. Strasser, for repairing and fitting up locks at state house, twenty dollars and seventy-six cents (20.76).

65. To David Clark, for stationery furnished legislature, twenty-nine dollars and eighty cents ($29.80).

66. To the inspectors of N. J. state prison, for investigating the claim of Silas Thomas against the state, forty-six dollars and thirty-seven cents ($46.37).

67. To the state prison committee, for expenses and fare in going to Albany, eighty-eight dollars and fifty cents ($88.50.)

68. To C. J. Ihrie, for services rendered in stamping and arranging books in library, and other services, two hundred and three dollars ($203.00).

69. To David Clark, for stationery furnished for the use of the senate, forty-four dollars and fifty-two cents ($44.52).

70. To David S. Anderson, for work and materials furnished senate chamber, nine dollars and ninety-seven cents ($9.97).

71. To Phillips & Boswell, printing done for chancery office, sixty-four dollars and ninety cents ($64.90).

72. To Francis A. Pitman, goods furnished for use of house of assembly, nineteen dollars and nineteen cents ($19.19).

73. To Philips & Boswell, printing commissions on parchment for secretary of state, eight dollars ($8.00).

74. To Francis A. Pitman, for stationery furnished house of assembly, thirty-four dollars and twenty-three cents ($34.23).

75. To Phillips & Boswell, printing done for adjutant general, four dollars ($4.00).

76. To Wm. A. Benjamin, stamps furnished for senate, two hundred and twenty-four dollars ($224.00).

77. To Joseph McPherson, for satchels furnished to senate and assembly for secretary and clerk, ten dollars ($10.00).

78. To James Murphy, for articles furnished to the state house, one dollar and fifty-three cents ($1.53).

79. To G. Hinkler, for locks and keys furnished house of assembly, two dollars and fifty-one cents ($2.51).

80. To Israel Wells, for stationery and binding for supreme court, twenty-one dollars and seventy cents ($21.70).

81. To the Trenton Waterworks Company, for water supplied to state house, as per agreement, one hundred dollars ($100.00).

82. To Wm. Johnson, for work done and materials furnished to the treasury and chancery office, one hundred and sixty-five dollars and forty cents ($165.40).

83. To John C. Grant, for work done and materials furnished to the state house, forty-one dollars and fifteen cents ($41.15).

84. To Charles Scott & Company, for stationery furnished to the house of assembly, one hundred and twenty-eight dollars and sixteen cents ($128.16).

85. To Charles Scott & Company, for stationery furnished to the senate, two hundred and thirty-six dollars and eighty-nine cents ($236.89).

86. To Charles Scott & Company, for stationery furnished for the engrossing clerk of the senate, seventy-five dollars and twenty-nine cents ($75.29).

87. Charles Scott & Company, for stationery furnished for the use of the executive department, seventy-one dollars ($71.00).

88. To Charles Scott & Company, for stationery furnished for the clergymen of the city of Trenton, per resolution of the senate, eighty-six dollars and twenty-five cents ($86.25).

89. To William A. Benjamin, for stamped envelops, furnished for the clergymen of the city of Trenton, per resolution of the senate, forty-seven dollars and seventy cents ($47.70).

90. To Charles Scott & Company, for recording books and stationery furnished for the use of the court of chancery and for the clerk's office, one hundred dollars and eighty-two cents ($100.82).

91. To Charles Scott & Company, for stationery furnished for the use of the house of assembly, one hundred and eighteen dollars and eighty-five cents ($118.85).

92. To Merchants' Transportation Company, for freight from Bridesburg to Trenton, on twenty-five boxes muskets, five dollars ($5.00).

93. To Francis A. Pitman, for stationery furnished for the use of the engrossing of the house of assembly, secretary, seventy-nine dollars and thirty-two cents (79.32).

94. To Charles Scott & Company, for stationery furnished for the use of the engrossing clerk of the house of assembly, twenty-one dollars and forty-seven cents ($21.47).

95. To William R. Barricklo & Company, for tumblers and gas shades furnished supreme court office, two dollars and seventy-five cents (2.75).

96. To David Clark, for paper furnished the treasurer's office, three dollars ($3.00).

97. To David Clark, for paper furnished the library, two dollars and fifty cents ($2.50).

98. To the Mechanics and Manufacturers' Bank of Trenton, for interest due on governor's warrants, ninety-three dollars and sixty-one cents ($93.61).

99. To Trenton Banking Company, for interest due on governor's warrants, two hundred and forty-two dollars and seventy-one cents ($242.71).

100. To the Newark Daily Advertiser, for advertising proclamation, thanksgiving notice and military convention, fifteen dollars ($15.00).

101. To E. Winton, for advertising proclamation notice, three dollars ($3.00).

102. To R. M. Smith, for the expenses incurred by the attorney general, for advertising in the National Intelligencer, Washington, New York Tribune and the Trenton State Gazette and Republican, for six months, the notice of inquisition, also the taxed bills of cost and other expenses in the matter of escheat of lands of Jacob Wortman, deceased, six hundred and forty-two dollars ($642.00).

103. To J. G. Brearly & Company, for stationery furnished the house of assembly by order of the committee, one hundred and fifty six dollars ($156.00).

104. To David Clark, for stationery furnished senate, seven dollars and seventy cents (7.70).

105. To George H. Dean, for service as page to governor, one hundred and eleven dollars ($111.00).

106. To Isaac D. James, for stationery furnished house of assembly, seven dollars and eighty-two cents ($7.82).

107. To D. L. M. Moore, for knives and stationery furnished senate, one hundred and seventy-three dollars and twenty-five cents ($173.25).

108. To Charles P. Brearley & Company, for stationery, lock, &c., furnished to state house, seven dollars and four cents ($7.04).

109. To C. J. Ihrie, for amount paid, item, for library, seventy-five dollars and eighty-five cents ($75.85).

110. To Brewer & Ott, for horses and carriages to take committee to asylum, ten dollars ($10.00).

111. To Samuel R. Smith, for one trunk for the use of the state, one dollar and seventy-five cents ($1.75).

112. To Charles Scott & Company, for stationery for the use of the clergymen of the city of Trenton, ninety-two dollars ($92.00).

113. To Thomas F. Howell, for balance due from the state for erection of a workshop at state prison, seven hundred and twenty-four dollars and fifty cents ($724.50).

114. To Alexander M. Cumming, assistant secretary of the house of assembly, in full for his services, five hundred dollars ($500.00).

115. To D. L. M. Moore, assistant secretary of the senate, in full for his service, five hundred dollars ($500.00).

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

Approved March 23, 1859.

CHAPTER CCXXX.

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

Duties, powers, and compensation of commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-two of said act be repealed, and that the following be substituted in lieu thereof: "*And be it enacted*, That the commissioners of appeal shall have the same powers and perform the like duties, and be entitled to like compensation that the commissioners of appeals in the several townships of this 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 and real estate assessed against them respectively; and it shall be the duty of said commissioners to receive the oath or affidavit of any and every person appealing, when offered or presented by him or them relative thereto; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in such affidavit; and all affidavits so presented shall be filed by said commissioners in the office of the clerk of the city."

Section 32 of former act amended.

2. *And be it enacted*, That section thirty-two of said act be amended by inserting after the words "may adjourn from day to day," the words following: "and compel the attendance of absent members."

6th clause of section 40 of former act amended.

3. *And be it enacted*, That the sixth clause or subdivision of section forty of said act be amended by inserting immediately after the words "goats and geese," the words "and other animals."

10th clause of sec. 40 of former act amended.

4. *And be it enacted*, That the tenth clause or subdivision of section forty of said act be stricken out, and the following inserted in the stead thereof: Tenth. To license and regulate inns or taverns and other houses of public enter-

tainment for the sale of, or traffic in, spirituous, vinous, fermented, or other intoxicating drink or drinks, and to prohibit, by fine or penalty, all traffic in, or sale of such spirituous, vinous, or other intoxicating drink or drinks by all or any person or persons not having a license from said council for that purpose; and to license, regulate and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses, and markets, on such terms, and under such regulations and penalties, as the council may, by ordinance, impose; and no other license, granted for such purposes within said city, by any other authority, shall be lawful, except licenses granted by the governor of this state to hawkers and peddlers.

11th clause of sec. 40 of former act amended.

5. *And be it enacted*, That the eleventh clause or subdivision of section forty of said act be amended by inserting immediately after the words "porter in said city," the following: "and to license hacks, omnibuses and stage coaches, and to prevent, by fine or imprisonment, all hacks, omnibuses, and stage coaches from running or being run within or through said city without such license."

17th clause of sec. 40 of former act amended.

6. *And be it enacted*, That the seventeenth subdivision or clause of section forty of said act be amended by inserting at the beginning thereof the following: "to impose taxes on dogs."

Sec. 44 of former act amended.

7. *And be it enacted*, That section forty-four of said act be amended by striking out the words "five per centum," and inserting "ten per centum," in lieu thereof, and also by inserting immediately after the words "be applied to," the following: "the payment of salaries and."

Evidence of publication, &c., of ordinance to be filed.

8. *And be it enacted*, That the due publication of all ordinances heretofore passed by said council, or that may hereafter be passed by them, and posting of all notices required to be published or posted by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, 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.

Sec. 51 of former act repealed.

9. *And be it enacted*, That section fifty-one of the act to which this is a supplement be and the same is hereby repealed.

Part of 6th clause of sec. 40 of former act repealed.

10. *And be it enacted*, That all that part of the sixth clause or subdivision of section forty, title four, after the words "for the purposes for which they are or may be laid out and dedicated," be and is hereby repealed.

Part of sec. 56 of former act repealed.

11. *And be it enacted*, That the words "south of the lines heretofore described," in section fifty-six of the act to which this is a supplement, be and the same is stricken out and repealed.

Compensation of officers.

12. *And be it enacted*, That the sixty-seventh section of the act to which this is a supplement be and the same is hereby repealed, and the following inserted in lieu thereof: That the sums hereafter specified, and no other, shall be the pay or compensation to be received by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: The mayor shall receive the sum of two hundred and fifty dollars per annum; the treasurer the sum of two hundred dollars per annum; the city clerk the sum of five hundred dollars per annum; the collector of taxes the sum of three hundred dollars per annum; the collector of arrears of taxes shall receive five per centum upon all moneys collected by him, which amount he shall be entitled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of three hundred dollars a year; each councilman shall receive one dollar and fifty cents per day for each day actually spent in the business of the city; the assessor of each ward shall each receive the sum of one hundred and fifty dollars per annum; the pound keeper, judges of election, inspectors of election, clerk of election, and commissioners of appeals shall receive the same compensation that the pound keeper, the judges of election, clerk of election and inspectors of election, and

the commissioners of appeals of the different townships of the state are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer upon the presentation of the proper warrant on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.

13. *And be it enacted*, That this act shall be deemed a public act, and take effect on the first day of May, eighteen hundred and fifty-nine; and that so much of the act to which this is a supplement, and all other acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed. Public act.

Approved March 23, 1829.

CHAPTER CCXXXI.

AN ACT vesting the real estate of John Arnoll, deceased, in Procena Arnoll, his widow.

WHEREAS, John Arnoll, late of the city of Trenton, in the county of Mercer, and state of New Jersey, deceased, having acquired by his own industry and economy a small amount of real estate, consisting of one house and lot situate in the said city of Trenton; AND WHEREAS, the said John Arnoll departed this life in the month of October last, intestate, and without lawful issue, leaving Procena Arnoll, his widow; AND WHEREAS, the said Preamble.

John Arnoll has left no lawful heirs who can inherit the said real estate; AND WHEREAS, the said Procena Arnoll is advanced in life, and soon must become infirm, and the value of her dower in said premises is very trifling, and the title to the said real estate, if vested in her, would afford her a comfortable home and relieve her from want; therefore,

Title to estate vested in widow.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate and interest of the said John Arnoll, deceased, at the time of his death, of, in, and to the real estate herein above mentioned, shall be vested in the said Procena Arnoll, her heirs and assigns; *provided, however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person whatever to the said lands and premises, other than those claiming or to claim under the state of New Jersey.

Proviso.

Approved March 27, 1859.

JOINT RESOLUTION.

NUMBER I.

For the appointment of commissioners to report amendments to the militia system of this state, and general regulations for the government of the same.

WHEREAS, it has been represented that a portion of the citizens of this state are desirous that such changes should be made in the entire militia system as will render it more effective and uniform; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to nominate and appoint thirteen commissioned officers as commissioners, whose duty it shall be to revise the present militia system of this state, and prepare such general regulations as may be proper and necessary to carry into effect the objects of the preamble to this resolution, and submit the same to this or the next legislature. Governor authorized to appoint commissioners.

Passed March 9, 1859.

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