

ACTS

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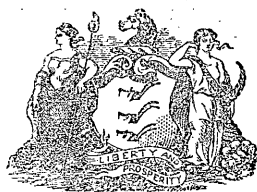
NINETY-FIRST LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-THIRD UNDER THE NEW CONSTITUTION.



PATERSON, N. J.:

PRINTED BY CHISWELL & WURTS, DAILY "PRESS" OFFICE.

1867.

ACTS

OF THE

NINETY-FIRST LEGISLATURE.

CHAPTER I.

An act to incorporate The Curran Bowering Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Patrick Curran, John Bowering, Garret D. Voorhis, James Curran and Joseph Warren, and such other persons as may be associated with them, be and they are hereby created a body corporate and politic in law, by the name of "The Curran Bowering Manufacturing Company," and as such may sue and be sued, implead and be impleaded, in any court of law or equity; may adopt a common seal and alter the same at pleasure, purchase, lease, hold, mortgage, and sell such goods and chattels, lands and tenements as may be required for the purposes, and possess generally all the powers and be subject to all the liabilities of corporations under the laws of this State. Names of
corporators.

2. *And be it enacted*, That the capital stock of said company shall be the sum of one hundred thousand dollars, with power to increase the same by a vote of the board of directors to any sum not exceeding two hundred and fifty thousand dollars. Amount of
capital stock

3. *And be it enacted*, That the capital stock of said company shall be divided into one thousand shares of one hundred dollars each, which shares shall be deemed personal property, and shall be transferrable in such manner as the corporation by its by-laws shall direct, and that the said capital may be employed in the manufacture of steam fire engines, stoves, locomotive brass work, and all manner of sheet iron, tin, brass and copper ware, and in buying, selling Capital how
employed.

and disposing of the same and of all articles connected therewith, and that the said company shall locate themselves in the City of Paterson in this State.

Election of
directors.

4. *And be it enacted*, That the property and affairs of said corporation shall be managed and conducted by a board of directors, not less than three nor more than five in number, who shall be stockholders in said company, and shall be chosen annually at such time and place in said city as the by-laws of the company shall appoint, giving ten days' notice of such time and place in one or more newspapers in said city, which directors shall serve for one year and until others are chosen in their stead, and that the persons hereinbefore named shall be the first directors, and shall hold their office until others are elected or appointed in their stead.

Books of
subscription
to be opened.

5. *And be it enacted*, That the persons above named shall be commissioned to open books of subscription to the stock of said company, at such time and place and for such period as they may determine, giving ten days' notice of such time and place in one or more newspapers published in said city, and when thirty thousand dollars of said stock has been subscribed, and thirty thousand dollars of such stock issued according to this act, it shall be lawful for the said company to commence its business; and when the books of subscription are closed, the said commissioners shall deliver to the president of said board all books, papers and moneys in their hands belonging to the company, and thereupon the board may organize and proceed with the business of the company.

May issue
stock.

6. *And be it enacted*, That the said company may issue stock to any person or persons in payment for any lands, goods, chattels and personal property required by the said company for the prosecution of their said business.

Powers of
directors.

7. *And be it enacted*, That the board of directors may choose from their own number a president and such other officers as they may deem proper, and may appoint and employ such agents, superintendents and other subordinate officers as their business shall require; may adopt by-laws and rules for the government of said company, and of said board, and of the officers and employers; *Provided*, the same be not contrary to the constitution of the United States or of this State; may fill all vacancies in the board until the next annual election of directors; that the first annual election of directors shall be held on the first Monday of

February next, and so on the first Monday of February in each year thereafter, between the hours of 12 o'clock noon, and 2 o'clock in the afternoon of that day, at which election each stockholder shall be entitled to one vote for each share of stock held by him.

8. *And be it enacted*, That no dividends shall be declared ^{Dividends.} except from the actual profits of the company; that a meeting of the board may be called at any time by any two members of the board, and a meeting of stockholders may be called by any two of the stockholders, and that all elections for directors shall be by ballot.

9. *And be it enacted*, That this act shall continue in force for ^{Limitation.} thirty years, that the legislature may at any time amend, modify or repeal the act, as they may think proper.

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

BENJAMIN BUCKLEY,
President of the Senate.

GEORGE W. N. CUSTIS,
Speaker of the House of Assembly.

Approved, January 25, 1867.

MARCUS L. WARD,
Governor.

CHAPTER II.

A Supplement to an act to incorporate the Hand-in-Hand Fire Company of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, ^{Capital stock not to exceed ten thousand dollars.} which shall be solely and exclusively applied to the procuring, repairing and maintaining such engines, hose, reservoirs of water, ladders, buckets, fire hooks, and other implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of the citizens of Trenton from injury or destruction by fire.

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

Approved, January 29, 1867.

CHAPTER III.

A Supplement to an act entitled "An act to incorporate the Holden Machine Company," approved February twenty-eighth, eighteen hundred and sixty-six.

Joseph E.
Tynan nam-
ed as cor-
porator.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of James Platt, in the first section of said act, shall be stricken out, and the name of Joseph E. Tynan used in the place thereof; and that all the rights, privileges, powers and duties which by said act werẽ conferred or imposed upon the persons named in the first section thereof, are hereby conferred and imposed upon the therein remaining named persons and the said Joseph E. Tynan.

Amount of
capital stock

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and that the third section of the act to which this is a supplement, shall be used and construed as if twenty-five thousand dollars had been therein named as the capital stock, instead of fifty thousand dollars.

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

Approved, January 29, 1867.

CHAPTER IV.

A further Supplement to an act entitled "An act to incorporate the Paterson Gas Light Company," passed December ninth, A. D. eighteen hundred and twenty-five.

Preamble.

WHEREAS, The Paterson Gas Light Company, on the first day of July, A. D. eighteen hundred and sixty-five, made and issued fifty bonds of one thousand dollars each, and

executed a mortgage to Joseph Battin, trustee, to secure the payment of the same, with interest at seven per cent. per annum, and in addition thereto, all taxes and assessments, national state or municipal, as therein provided, and are desirous of having the same legalized; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said bonds, amounting in the whole to the sum of fifty thousand dollars, and the said mortgage, are hereby authorized and legalized and declared to be valid and effectual in law. Bonds legalized.

2. *And be it enacted*, That the president and directors of said company are hereby authorized to increase the capital stock of said company three hundred thousand dollars, to be subscribed at such times and in such manner as they may deem expedient, making the whole capital five hundred thousand dollars. Capital stock may be increased.

3. *And be it enacted*, That the president and directors of said company shall have the same power and authority to call in and enforce the payment of such additional capital stock as is authorized in the act to which this is a supplement. Powers of president and directors.

4. *And be it enacted*, That the president and directors of said company shall have power to reduce the number of shares of the present capital stock subscribed, by consolidating the shares, so that hereafter each share shall be of the par value of twenty-five dollars. Share of stock may be consolidated

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

Approved, January 29, 1867.

CHAPTER V.

An act to amend an act entitled "A further supplement to an act entitled an act to incorporate the City of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five," which supplement was approved April sixth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled an act to amend." Part of former supplement amended.

incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five, approved April sixth, eighteen hundred and sixty-six," be and the same is hereby so amended that the southerly line of the boundaries named in said section shall correspond to the northerly line of Jersey City, as the same was established by an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Repealer.

Proviso.

2. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed; *Provided*, that any annual tax which may have been levied by the authorities of the city of Hoboken, upon lands south of the northerly boundary line of Jersey City, as established by its said act of incorporation, shall be paid to the proper authorities of Jersey City.

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

Approved, January 29, 1867.

CHAPTER VI.

Supplement to the act entitled an act to incorporate the Millville Gas Light Company, approved March twentieth, eighteen hundred and fifty-seven.

Amendment
to first sec-
tion of orig-
inal act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the first section of the act entitled "An act to incorporate the Millville Gas Light Company, approved March twentieth, eighteen hundred and fifty-seven," the names of Edward Tatem, James Loper and Elijah Rich be stricken out, and that those of Robert P. Smith, Isaac B. Mulford and George Wood be substituted in their place, and that they compose part of the body politic created by that act, and that the said substituted names be made in the third paragraph of that act; and also that in the eighteenth line of the third paragraph the words "legal currency" be substituted for the words "specie."

2. *And be it enacted*, That in the thirteenth line of the fourth paragraph of that act, the words "sixty-seven" shall be substituted for those of "fifty-eight."

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

Approved, January 29, 1867.

CHAPTER VII.

An act to incorporate the Discovery Iron Company of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Deacon, Samuel W. Taylor, Thomas Milnor, John B. Roberts, J. Howard Pugh, Brazillai C. Smith and George D. Parish, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The Discovery Iron Company of Burlington," to be located in the city of Burlington, for the purpose of carrying on the business of making castings and machinery, and working in wood, iron, metals and minerals, and erecting factories, buildings, basins, wharves and other improvements on their lands as may be useful or necessary for the purpose aforesaid; and for such purpose the said company shall or may raise by subscription, a capital stock of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital to five hundred thousand dollars whenever the company may find it necessary to do so in the course of their business.

Names of
corporators.

2. *And be it enacted*, That the said corporation may purchase, possess and enjoy any such real estate, improvements, machinery, goods and effects whatsoever, as shall be deemed necessary and advantageous to the said corporation to carry on its business; and it shall be lawful for the said corporation to sell, mortgage, lease and otherwise dispose thereof at pleasure.

General
powers conferred.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators, or their successors, to receive subscriptions to the capital stock, by opening books or otherwise; and as soon as one hundred and twenty-five thousand dollars shall have been subscribed, and twenty per cent. of that amount paid in, it shall be lawful for said corporators to organize said

Corporators
to open
books of sub-
scription.

corporation, and forthwith commence and carry on its business, as contemplated under this act.

Installments

Proviso.

4. *And be it enacted*, That it shall be lawful for the directors of said corporation to call for, collect and demand of the stockholders, respectively, all such instalments due on such stock subscribed for, as may have been agreed upon previous to subscribing, under penalty of forfeiture of the shares so subscribed, and all previous payments thereon; *Provided, however*, that said stockholders be notified personally or by advertising, at least thirty days previous to such instalments becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers.

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 seven directors, a majority of whom shall be residents of this state, one of whom shall be appointed president; said directors shall have power to appoint such other officers, agents and employees as the by-laws may from time to time designate; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting or election, and until others shall have been duly elected in their places; annual meetings shall be held on the second Tuesday in January of each year, at such places and hour as the by-laws may direct; a majority of the existing number of directors shall constitute a quorum; and when assembled at such place as the by-laws may designate, shall constitute a board competent to transact business; and all questions before said board shall be decided by a majority of votes present; in case any vacancy may occur by death, resignation or otherwise, the remaining directors shall have the power to fill such vacancy by the appointment of any stockholder.

By-laws.

6. *And be it enacted*, That the corporation hereby authorized or created, shall possess such general powers usually possessed by corporations for their general government and the management of their affairs, and make all by-laws for the government of the same, not inconsistent with the purpose of this act, or of the laws of the United States or of this State.

Approved, January 29, 1867.

CHAPTER VIII.

A further supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-eighth section of the act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one, be and the same hereby is so amended that the owner or owners, or any creditor or creditors, under a judgment, attachment, or mechanics' lien, shall be entitled to the same notice of sale of property for taxes, assessments, water rents, or sewerage taxes, to be served in the same manner, and for the same length of time, as is provided in the said section, to be given to a mortgagee, and that this amendment shall apply as well to any sale already made where the purchaser has not obtained possession of the purchased property, as to any sale hereafter to be made; and any such owner or creditor shall be entitled to all the rights of redemption conferred in and by said act upon a mortgagee.

Notice of
sale of prop-
erty for
taxes &c, to
be made.

2. *And be it enacted*, That so much and such parts of the said act to which this is a supplement, as are inconsistent with this act, be and the same hereby are repealed, and that this act shall take effect immediately.

Repealer.

Approved, January 29, 1867.

CHAPTER IX.

A supplement to the act entitled "An act to incorporate the Newark Savings Institution, approved February twenty-fifth, eighteen hundred and forty-seven."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That [the] Newark Savings Institution, in addition to the power and authority already conferred upon them, may receive for safe keeping, upon such terms and conditions, and for such consideration, as they may from

Property
that may be
received for
safe keeping

time to time determine, specie or bullion, gold or silver plate, treasury notes, bonds, mortgages and coupons, paper money, bills receivable, title deeds, and all personal securities, and property of every kind whatever.

Limitation.

2. *And be it enacted*, That the act to which this is a supplement, shall be continued in force for twenty years from the time of its expiration; and this act shall take effect immediately.

Approved, January 29, 1867.

CHAPTER X.

An act to incorporate Beverly Lodge, Number Ninety-five, of the Independent Order of Odd Fellows, of the Borough of Beverly, and State of New Jersey.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That E. B. Marter, E. K. Marter, Charles Severs, John Laugginger, Isaac Hullings, J. R. Paul, J. L. Simon, J. L. Haller, William Shade, F. D. Perkins, and their associates, officers and members of "Beverly Lodge, Number Ninety-five, of the Independent Order of Odd Fellows, of the State of New Jersey," and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Beverly Lodge, Number Ninety-five, of the Independent Order of Odd Fellows of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal, and use the same at pleasure; *Provided, always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

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

Approved, January 29, 1866.

CHAPTER XI.

An act to incorporate the Vineland Fruit Preserving and Manufacturing Company in the County of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William D. Cook, Sidney Sweet, Charles K. Landis, Ananias S. Edget, and John Gage, and such other persons as may be associated with them, shall be and they are hereby constituted and declared to be a body corporate and politic in fact and in law, by the name of the "Vineland Fruit Preserving and Manufacturing Company," for the purpose of preparing sealed fruits, meats, vegetables and sauces, and manufacturing the cans and whatever else may be necessary to carry on said business, and by that name shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging, and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created.

Names of
corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of twenty-five dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he or she holds shares of stock, which shares shall be deemed personal property, and transferrable in such manner as the company by its by-laws may direct; that five dollars shall be paid on each share of stock at the time of subscribing, and further paid in at such time and in such instalments as the directors may from time to time appoint and direct.

Amount of
capital stock

3. *And be it enacted*, That the property and affairs of the said corporation, shall be managed and conducted by a board of five directors, stockholders in said company, who shall be chosen annually at such time and place in the county of Cumberland, in such manner and upon such notice as the laws of such company shall direct, who shall serve for one year and until others are chosen in their stead; and that William D. Cook, Sidney Sweet, Charles K. Landis, Ananias S. Edget and John Gage, shall be the first directors of this company under this charter, to continue in office until others are elected in their stead; that the directors of said

Names of
first directors.

company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect instalments on stock when called for, or declare the stock forfeited, and all previous payments made thereon in case of non-payment when duly called for, if they deem it expedient.

Books of
account to be
kept.

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

Company
may be dis-
solved.

Proviso.

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

Act may be
repealed.

6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, alter and repeal this act; and that this act shall take effect immediately.

Approved, January 29, 1866.

CHAPTER XII.

An act to incorporate the Atlantic Company for the Culture of Cranberries.

Preamble.

WHEREAS, on the twenty-sixth day of February, eighteen hundred and sixty-six, a company called "The Atlantic

Company for the Culture of Cranberries," was incorporated and organized in the county of Atlantic, in pursuance of the provisions of an act entitled "An act to encourage the Agricultural Development of the State, &c.," approved April tenth, eighteen hundred and fifty-five, a copy of the certificate of which incorporation is duly recorded in the clerk's office of the county of Atlantic; *And whereas*, a constitution and by-laws were adopted by the incorporators named in said certificate, and in accordance with the provisions of said constitution and by-laws, Thomas Irving, Samuel Richards Colwell, Augustus Ehlert, David S. Blackman, Daniel L. Collins, Elias Wright, George W. Rich, Samuel W. Greene and Frederick Clever, were chosen, and still are, the directors to manage and conduct the affairs of the said company.

1. BE IT ENACTED *by the Senate and General Assembly of the* Names of
State of New Jersey, That Thomas Irving, Samuel Richards incorporators.
 Colwell, Augustus Ehlert, David S. Blackman, Daniel L. Collins, Elias Wright, George W. Rich, Samuel W. Greene and Frederick Clever, and their associates, heretofore known as "The Atlantic Company for the Culture of Cranberries," and their successors and all other persons who shall become stockholders in said corporation, be and they are hereby constituted a body corporate and politic in law, by the name of "The Atlantic Company for the Culture of Cranberries," for the purpose of conducting the business of growing and selling cranberries, and by that name shall have power to agree for, purchase, occupy, sell and convey so much real and personal estate lying and being in the county of Atlantic, as shall be deemed necessary and expedient by the said company in the conduct of their business, and all other powers incident to a corporation, and shall have power to improve their said real estate, or any part thereof, for the culture of cranberries, or for other agricultural purposes, and to erect such buildings thereon as shall be required for the use of said corporation, and to lay, keep and maintain such drains and roads, and to overflow and irrigate all such lands, lying and being within the bounds of the present tract of said company as said corporation shall deem necessary and expedient for the benefit of their said lands, and for the purpose of the business hereinbefore specified; *Provided*, the Proviso.
 real estate held by this corporation shall not exceed two thousand acres.

2. *And be it enacted*, That the capital stock of said com-

Amount of capital stock. pany shall be four thousand shares, of a par value of fifty dollars each, with the privilege of increasing the same to ten thousand shares, of which the stock already subscribed for and issued by said company, shall be taken and deemed a part, all of which shares shall be personal property, transferable on the books of the company, either in person or by legal representative, and shall be subscribed and paid for at such times and in such manner as said company shall determine, under the provisions of the constitution and by-laws; *Provided*, there shall be no assessment or assessments on any share or shares of stock which shall have been fully paid, and each stockholder shall have one vote at all meetings of stockholders for each share of full paid up stock held by him and no more.

Proviso.

Nine directors to conduct business.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of nine directors, in accordance with the terms of the constitution and by-laws now adopted by said company, as far as the same are consistent with the provisions of this act, and the same may be altered as therein provided, and so far as said company, consisting of the aforesaid persons and their associates, is already incorporated and organized, and has executed its business in conformity to the foregoing provisions of this act, such incorporation and organization, and such business transactions, shall be and are hereby declared to be legal and valid, the same as though the organization and transaction of its business had been executed subsequent to the passage of this act.

Dividends.

4. *And be it enacted*, That the directors of said company may make such dividends as the profits, plans and rules of the company will allow.

Annual report to be made.

5. *And be it enacted*, That the directors of said company shall, at the annual meeting of the stockholders, make a report, fully setting forth the state of the affairs of the company, and if the directors shall neglect or refuse to call an annual meeting of the stockholders at the time prescribed by the by-laws of the company, said meeting may be called at any time within four weeks thereafter, by any number of stockholders holding not less than ten per centum of the aggregate amount of stock paid in.

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

Approved, February 4, 1867.

CHAPTER XIII.

A supplement to the act entitled "An act to Facilitate Judicial Proceedings in the County of Hudson," approved March twenty-second, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of the clerk of the Grand Jury of said Hudson County, shall hereafter be one hundred dollars per term, instead of fifty dollars, as in said act provided. Compensation of clerk.

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

Approved, February 4, 1867.

CHAPTER XIV.

An act to incorporate the Workingmen's Benevolent Union No. 1, Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Fallshee, Patrick Dwyer, M. J. Twomey, John Maher, Daniel Monyhan, and their associates, officers and members of the Workingmen's Benevolent Union of Jersey City, and their successors, be and they are hereby constituted and declared to be a body politic and corporate in law, by the name, style and title of "The Workingmen's Benevolent Union of Jersey City," and by that name they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding, and possessing any lands, tenements, hereditaments and personal estate, purchased, devised and bequeathed by any person or persons, body corporate or politic, capable of making the same, to make all needful rules and regulations for the control of their members and property, and also to have a common seal, and the same to use at pleasure; *Provided, always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or Names of corporators.

mixed, the net income of which shall exceed the sum of three thousand dollars annually.

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

Approved, February 4, 1867.

CHAPTER XV.

An act to change the name of Henry William Hercock to that of Henry William Martin.

Preamble.

WHEREAS, Henry William Hercock, of Jersey City, Hudson County, is desirous of having his name changed to Henry William Martin, and no reason appearing to the contrary, therefore,

Name
changed to
Henry
William
Martin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Henry William Hercock, of the city of Jersey City, of the County of Hudson, be and the same is hereby changed to Henry William Martin, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Henry William Hercock.

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

Approved, February 4, 1867.

CHAPTER XVI.

An act to incorporate the Hudson County Skating and Base Ball Ground Association.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That I. Calvin Shafer, Charles H. Murray, Theron S. Doremus, Salmon W. Hoyt, William C. Hamilton, Leonard J. Gordon, Frank I. Vanderbeck, Edward F. C. Young, William D. Clarke, Washington I. Hough,

William Muirhead, Nathan B. Shafer and Flavel H. Doremus, and such other person or persons as may hereafter be associated with them, and their successors, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Hudson County Skating and Base Ball Ground Association," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto, in all courts of law and equity in this state.

2. *And be it enacted*, That the said society shall from time to time have power and authority to make, ordain and establish such by-laws and regulations as they or a majority of them shall deem proper, and to alter and change the same at pleasure; for the designation of the officers of the said society and the election of the same; for prescribing their several functions and their compensation; to adopt a corporate seal, and all other acts necessary for the organization of the corporation hereby created; and for the transacting, managing and conducting the affairs of said society, and preserving good order and conduct over and among the visitors on the grounds of the said society; *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this State or of the United States. ^{May make by-laws.}

3. *And be it enacted*, That the said corporation hereby created, shall have power and authority from time to time, and at all times, to acquire, purchase, or lease and use, hold, possess and enjoy, such real estate not exceeding in all fifty acres, and such personal estate as they shall deem necessary for the purposes of the said society, and the same or any part of such real or personal estate to sell, mortgage, lease or otherwise dispose of at pleasure, and also with power and authority to make, build and construct on the real estate so held by them such buildings, roads, ponds and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act. ^{May hold real estate.}

4. *And be it enacted*, That all lands, tenements and real estate which may hereafter be held, owned or leased by said society, shall be subject to taxation for all purposes as other lands in this State. ^{Lands and property to be taxed.}

5. *And be it enacted*, That the object of said society is to establish in Hudson County a Skating, Base Ball and Pleasure Ground Society, on and upon which grounds can be ^{Object of}

practiced base ball, cricket, skating, and all games requiring skill and science.

May hold
exhibitions
and give
premiums

6. *And be it enacted*, That for the purposes of carrying into effect the objects and purposes of the said society, it shall be lawful for said society to hold upon their said grounds, from time to time, and as often as they shall deem proper, base ball, cricket and skating matches, or exhibitions of feats of strength, and all games requiring skill and science, and to give to the competitors at such games, matches and exhibitions, premiums and other rewards, and to ask, demand and receive for the said society's own use, such reasonable fees for admittance of competitors and visitors to the said grounds, and games and exhibitions, as the said society may deem proper.

Officers may
be appointed
and sworn
to preserve
the peace

7. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum upon the said society's grounds, and among the visitors and spectators to the same, it shall be lawful for the said society to appoint from time to time one or more fit, proper or discreet person or persons, who shall take and subscribe before the sheriff of the county of Hudson, or one of the judges of the court of common pleas, in and for said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of the county of Hudson, and shall be of the like form and effect as now required by law for constables, to take and subscribe, and which person or persons so appointed and sworn, shall possess the same powers and authority on the premises of said society, and on the premises adjacent thereto, which constables now possess in criminal cases; and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the said games and exhibitions, and the said parties so arrested shall, as soon as conveniently may be, taken before some justice of the peace of said county of Hudson, there to be dealt with according to law.

Amount of
capital stock

8. *And be it enacted*, That the capital stock of said society shall be sixty thousand dollars, with the privilege of increasing the same to any sum not exceeding one hundred thousand dollars, which shall be divided into shares of twenty dollars each, and which capital stock shall be deemed personal property, and such shares shall be trans-

ferable, but only on the books of the said corporation, in such manner as the said society may prescribe.

9. *And be it enacted*, That this act shall take effect immediately, and the same to be repealed, altered or amended at the pleasure of the Legislature. Act may be repealed.

Approved, February 5, 1867.

CHAPTER XVII.

An act to incorporate "The Camden City Dispensary."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac S. Mulford, Orthniel H. Taylor, Richard M. Cooper, Lorenzo F. Fisler, Thomas F. Cullen, John V. Schenck, William S. Bishop, Alexander Marcy, Bowman Henry, James M. Ridge, H. Genet Taylor and John R. Stevenson, members of the Camden City Medical Society, their successors, and such persons as are now or hereafter may be associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name, style and title of "The Camden City Dispensary." Names of corporators

2. *And be it enacted*, That the object of said incorporation shall be to afford gratuitous medical and surgical aid, advice, medicines, and such other means as may tend to the prevention of disease and restoration to health to such persons whose circumstances will not admit of the heavy expenditures attendant on sickness, and whose previous circumstances and present feelings might prevent them from applying to the overseers of the poor in the city of Camden. Objects of the incorporation.

3. *And be it enacted*, That the said "The Camden City Dispensary," by that name, and their successors shall and may at all times hereafter, be capable in law of having, purchasing and holding any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable to devise or bequeath the same, and also to have a common seal, and the same to be used at pleasure, and also to enact a constitution and by-laws for their own government, and to alter and amend the same, and to make and ordain such rules and May hold real estate.

regulations, and to appoint such agent or agents, at their regular stated meetings, as may seem to them necessary, and to employ such assistant or assistants as may be necessary for the objects and purposes aforesaid, and also for the proper management, protection and disposal of their property whether real or personal.

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

Approved, February 5, 1867.

CHAPTER XVIII.

An act to confirm the Acknowledgments and Proofs of Deeds, and other Instruments of Writing, taken by Andrew J. Cooper.

Preamble. WHEREAS, it appears to the legislature that Andrew J. Cooper was duly appointed on the fifteenth day of March, in the year eighteen hundred and sixty, one of the commissioners to take the acknowledgments and proofs of deeds for the township of Woolwich, County of Gloucester, and State of New Jersey, and was commissioned and sworn into office by virtue of said commission: *And whereas*, it appears that the said Andrew J. Cooper, from a misapprehension of the time of expiration of his commission, continued to take acknowledgments and proofs after the time for which he was appointed had expired, by reason of which defective acknowledgments and proofs innocent persons may be subject to great loss; therefore,

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing, taken and certified by the said Andrew J. Cooper, as commissioner, after the expiration of the time for which he was appointed, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by him before the expiration of the time for which he was appointed.

Acts of commissioners declared valid.

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

Approved, February 5, 1867.

CHAPTER XIX.

A supplement to the act entitled "An act to incorporate the Newark City Ice Company," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Board of directors of said company shall be nine in number, instead of six, as at present constituted, and that the present board of directors shall have power and authority to elect said three directors from among the stockholders of said company, and that at the next annual meeting of the stockholders of said company the said stockholders shall elect nine persons from among their number, who shall constitute the board of directors of said company. Number of directors increased.

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

Approved, February 5, 1867.

CHAPTER XX.

An act to incorporate the Empire Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. Riegel, James McKeen, Daniel Runkle, Alexander Wilson, John Rutherford, Charles Sitgreaves, John H. Brown, Henry R. Chidsey, Augustus T. Stout, Samuel W. Barnard, B. F. Harris, Samuel C. Brown, John Firth, Daniel Black, John Ing-han, 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 Empire Manufacturing Company," for the purpose of carrying on the manufacture of iron, bolts, nuts, washers, and other wrought and cast iron tools and implements, railroad cars, wheels, axles, Names of corporators

stoves and other castings, in the town of Phillipsburg, in the county of Warren, in the State of New Jersey.

May hold
real estate.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purpose of the said corporation, not exceeding twenty 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 on satisfaction of debts previously contracted in course of dealings, or purchased at sales upon judgments or decrees, which shall be obtained for such debts.

May mortgage
property.

3. *And be it enacted*, That the said corporation may secure the payment of any debt which may be contracted by it on the business for which it was incorporated, by mortgaging all, or any part of the real estate of such corporation; and every mortgage so made shall be as valid to all intents and purposes as if executed by any individual holding such real estate; *provided*, that the written assent of the stockholders owning at least two-thirds of the stock of such corporation shall first be filed in the office of the clerk of the county wherein the said mortgaged property is situated.

Proviso.

Election of
directors.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five 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 second 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, and in one newspaper published in the borough of Easton, in [the] state of Pennsylvania, 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

Proviso.

than a majority of the whole number of directors being present when the same shall be done, and if it shall at any time happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors 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 Samuel C. Brown, John Rutherford, John H. Brown, A. J. Stout and S. W. Barnard, and the survivor or survivors of them, who shall hold their office until the second Monday in February, anno domini eighteen hundred and sixty-eight, or until others are legally chosen.

5. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, but as soon as the sum of seventy-five thousand dollars of said capital stock shall have been subscribed and paid or secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; and 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 twenty dollars on each share at any one time, 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 a notice shall have been published for thirty days in one or more newspapers published in the said county of Warren, and in one or more newspapers published in the said borough of Easton.

Amount of
capital
stock.

6. *And be it enacted*, That no dividend shall be made to and among the stockholders except from out of the net profits of the said corporation.

Dividends.

7. *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 upon such other day, in the manner provided by law in such

Not to be
dissolved
by reason of
failure to
elect.

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

Powers of directors.

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

Proviso.

Books of account to be kept.

9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be entered all the transactions of the said corporation, which shall at all times be 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 and directors for that purpose.

Limitation.

10. *And be it enacted*, That this act shall continue in force for the space of twenty years, and that it shall take effect immediately.

Approved, February 5, 1867.

CHAPTER XXI.

A further supplement to an act entitled "An act to Simplify the Pleadings and Practice in Courts of Law."

Proceedings when summons is insufficient

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That when the service of the summons in any civil action is defective or insufficient, by reason of any mistake on the part of the plaintiff or of the officer, as to the place where, or the person with whom the summons or copy of the summons ought to have been left, the court, or a judge thereof, may in their discretion order a new summons, to be issued and served in such manner as they or he shall direct; and the service so made and returned, shall be as valid and effectual to all intents and purposes, as if duly made and returned on the original summons.

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

Approved, February 6, 1867.

CHAPTER XXII.

A further supplement to "An act to Fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Clerk of the General Assembly be authorized to appoint a proper person as journal clerk, whose duty it shall be, under his control and supervision to make up the original minutes of the votes and proceedings of the General Assembly, and who shall receive for his services an annual salary of six hundred dollars, to be paid in the same manner as the salaries of the officers of the legislature are now paid. Salary of journal clerk.

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

Approved, February 6, 1867.

CHAPTER XXIII.

A supplement to an act entitled "An act to incorporate the Manalapan and Freehold Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso of the fifth section of the act to which this is a supplement, which "provides, nevertheless, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares," be and the same is hereby repealed, and that in the election of directors authorized by said act, and in all other cases in which the stockholders shall be Part of former act repealed.

entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

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

Approved, February 6, 1867.

CHAPTER XXIV.

A Supplement to an act entitled "An act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five.

Extension
of route
authorized.

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 Passaic Valley and Peapack Railroad Company to extend their proposed railroad to some point or points in the county of Hunterdon, between Milford and Frenchtown, in said county, and for that purpose, in its construction and completion, maintenance, use and enjoyment, all and every provision of the act entitled "An act to charter the Passaic Valley and Peapack Railroad Company," shall extend and be applicable to the railroad now authorized to be constructed, in every respect as if the same had been originally authorized under the said act to which this is a supplement.

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

Approved February 7, 1867.

CHAPTER XXV.

An act to incorporate the "Cedar Lake Land Company."

Name of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William McKee, Ezra B. Fuller, Whitfield S. Johnson, James D. Woodford, E. S. Austin and P. W. Crozer, and all such persons as may be hereafter associated with them, 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 "Cedar Lake Land Company," for

the purpose of buying, selling, holding, cultivating and improving the marsh and uplands at, and near Cedar Lake, in the counties of Atlantic, Camden and Gloucester; and for buying, sawing, and selling wood and lumber, building houses, and selling the produce of said lands, and carrying on the business incident thereto; and that they and their successors, the said lands, tenements and hereditaments, goods and chattels, or any part thereof, may sell, grant, devise, alien, mortgage, and otherwise dispose of, and may lay open and maintain ditches and drains through their own and adjoining lands as they may deem for the benefit of said lands.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars with, liberty to increase the same to sixty thousand dollars, and shall be divided into shares of one hundred dollars each; and that subscriptions to the capital stock may be paid in real and personal estate appropriate to such business at a bona fide valuation to be agreed upon by a majority in interest of the stockholders; and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened at such places as the directors shall designate, public notice of the time and place of which shall be given not exceeding sixty days under the direction of the board of directors, or such of them as shall be designated by the board for such purpose. Amount of capital stock.

3. *And be it enacted*, That the affairs of said corporation, shall be managed by not less than three nor more than five directors, all of whom shall be stockholders; one of whom shall be president; and they shall hold their office for one year, and until others shall be elected in their stead; and until an election shall be held for directors, the three persons first named in the first section of this act, shall be directors of said corporation. First directors.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe: but no dividend shall be made to the stockholders except from the net profits of the corporation; and that the principal office of the company shall be in the city of Trenton, where regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection. Stock how transferable.

5. *And be it enacted*, That the said corporation shall pos-

Restric-
tions and
liabilities.

sess the general powers, and be subject to the general directions, and liabilities set forth in "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable.

6. *And be it enacted*, That this act shall have immediate effect.

Approved February 7, 1867.

CHAPTER XXVI.

An act to incorporate "The Beaver Brook Slate Company."

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George Seitz, Henry A. Sage and George H. Bender, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Beaver Brook Slate Company," for the purpose of mining, manufacturing, vending, selling and dealing in slate, and for this purpose may hold such real estate, water privileges, machinery and effects as may be necessary and useful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of the said company shall be seventy-five thousand dollars, divided into shares of fifty dollars each; and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in the county of Warren as a majority of them may appoint, giving at least two weeks' notice in one newspaper published in said county; and as soon as the whole of said stock is subscribed, the said commissioners shall, by a like notice, call the first meeting of the stockholders for the purpose of organizing said company.

Election of
directors.

3. *And be it enacted*, That the business of the said corporation shall be managed by not less than three nor more than seven directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year until others are elected in their stead; and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election for directors

of said company shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own; 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.

4. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for its government, not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the corporation may require, and may from time to time 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 they shall deem proper, under the penalty of the forfeiture of the shares, and all previous payments thereon to the said company, if such payment shall not be made within thirty days after the day fixed for that purpose, by notice previously served, 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 paid. Powers of directors.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and shall be transferred in such manner as the by-laws may prescribe; but no dividends shall at any time be made to the stockholders except from the net profits of the corporation. Dividends.

6. *And be it enacted*, That the said corporation may from time to time hereafter increase the said capital to any sum not exceeding two hundred thousand dollars, giving two weeks' notice of their intention to do so in one of the newspapers printed in said county of Warren. Capital stock may be increased.

7. *And be it enacted*, That regular books of account shall be kept in the office of the said company, in the said county of Warren, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection. Books of account to be kept.

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

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

Restric-
tions and
liabilities.

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

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

Approved February 7, 1867.

CHAPTER XXVII.

An act to incorporate the East Lake Woolen Manufacturing Company.

Preamble.

WHEREAS, Robert Dubois, Jeremiah Dubois, Charles S. Fithian, Jonathan Elmer, Furman L. Mulford, and others have associated themselves together for the purpose of carrying on the manufacturing, dyeing and finishing all goods, of which wool shall form a part, in the city of Bridgeton and county of Cumberland; *and whereas*, such association is known as "the East Lake Woolen Manufacturing Company," under which name they hold real estate, water power, and buildings in said city of Bridgeton; now, for the purpose of incorporating the said association, and in order to confirm and validate all the acts of said association of individuals, heretofore done and performed under the name and designation of the East Lake Woolen Manufacturing Company; therefore,

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Du Bois, Jeremiah Du Bois, Charles S. Fithian, Jonathan Elmer, Furman L. Mulford, Robert C. Nichols, and such other persons as are, or may hereafter be associated with them, and their successors and assigns, be and they are hereby made and constituted a body politic and corporate in law, by the name of the "East Lake Woolen Manufacturing Company," for the purpose of manu-

facturing, dyeing, and finishing all goods of which wool forms a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith, and may hold and erect such mills, buildings and other works as may be required to carry on such branches of manufacture, and shall have power to raise by subscription a capital stock of one hundred thousand dollars, in shares of two hundred dollars each, with the privilege of increasing the same as hereinafter provided.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the county of Cumberland, as is now held by the association known as the East Lake Woolen Manufacturing Company, and as may be required for the purposes of said corporation, and all other real estate which shall have been mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business or purchased at sales upon judgments or decrees, which shall have been obtained for or upon such debts, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may sue and be sued, in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state. May hold real estate.
Provide:

3. *And be it enacted*, That it shall and may be lawful for the persons 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 one hundred thousand dollars shall have been subscribed, and the sum of seventy-five thousand dollars actually paid in, and an affidavit thereof made by two or more of the 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. Books of subscription to be opened.

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 three hundred 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 Capital stock may be increased.

them subscribed at such times and in such proportions as the said directors shall see fit under the pain of the 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 the capital stock an affidavit of the amount of the said increase 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 the said corporation in such manner as may be required by the by-laws of said corporation, and no part of the capital stock shall at any time or upon any pretence whatever be divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid and an affidavit thereof and of the amount of the capital stock proposed to be withdrawn or refunded to said stockholders, be 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 the votes so cast.

Dividends.

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 twelve directors, one of whom the said directors shall appoint their president, and said directors shall be stockholders in said corporation and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on the first Tuesday of April, 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 Robert Du Bois, Jonathan Elmer, Jeremiah Du Bois, Charles S. Fithian and Furman L. Mulford shall be the directors of said corporation; a majority of the directors shall on all occasions when assembled, at such time and place as the by-laws shall prescribe, constitute a board competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case any vacancy shall occur in the board of directors by death, resignation or failure of the stockholders to elect the full number authorized by this act, the remain-

Names of
first direc-
tors.

ing directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

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

7. *And be it enacted*, That dividends of so much of the profits of the said corporation as the directors may think advisable may be declared in the months of January and July in every year, to be paid to the stockholders or their legal representatives at any time, on demand, after the expiration of thirty days after the same shall have been so declared. Dividends when may be paid.

8. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated in this act for that purpose, the said corporation shall not be deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, two days' notice being given of the time and place of such election. Not to be dissolved by reason of failure to elect.

9. *And be it enacted*, That any buildings, land, property, machinery, or materials used in manufacturing, which may be received in payment for subscriptions for stocks shall be taken at a valuation approved by a majority of the board of directors or a majority of the stockholders. Property may be taken for stock at a proper valuation.

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

11. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions, provisions, duties, limitations and obligations set forth in an act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the supplements to said act so far as the same are applicable. Powers and restrictions

Act to take
effect.

12. *And be it enacted*, That this act shall take effect immediately, and that all the acts of the said association of individuals heretofore done and performed under the name and designation of the East Lake Woolen Manufacturing Company shall be valid and effectual in law, and shall have the same force and effect as if the foregoing act of incorporation had been passed and become a law on the first day of March, A. D., eighteen hundred and sixty-six.

Approved February 7, 1867.

CHAPTER XXVIII.

An act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That David Oakes, Warren S. Baldwin, Robert M. Hening, Alfred Keene, James H. Clark, G. Lee Stout, Charles Akers, John M. Philips, William H. Harris, Edward S. Wilde, P. Weaver, William A. Righter, Julius H. Pratt, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of The Newark, Bloomfield and Montclair Horse Car Railroad Company, and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels, necessary or proper for the objects of this corporation.

Amount of
capital
stock.

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

Commis-
sioners to
open books
of subscrip-
tion.

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 a newspaper published in the county of Essex; and at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to

the commissioners, or some one of them, and as soon as the sum of twenty thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made at the time and place so as aforesaid designated by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books, and money paid in, after deducting all expenses previously incurred, and a reasonable compensation for their services, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting or at the annual election of said corporation shall as soon as may be after every election choose out of their own number a president 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.

Election of
directors.

Election of
president.

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

Corporation
not to be
dissolved
by failure
to elect.

Install-
ments.

Proviso.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the 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 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.

Powers of
president
and direc-
tors to con-
struct 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 suitable point in the village of Montclair, in the township of Bloomfield, in the county of Essex, through the village of Bloomfield, in said township, to the city of Newark, there to connect with and run over any horse car railroad or railroads running through the said city of Newark, to the Market street station of the New Jersey Railroad and Transportation Company, and to locate and construct said railroad not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such 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, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act subject to such compensation and upon such terms as are hereinafter provided for.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway in the city of Newark, except for the purpose of crossing the same, the said company shall not lay any rails along said street or highway, nor commence work for that purpose, without first obtaining the permission of the common council of said city, and under such restrictions as the said common council may designate, to lay the same; and if the said railroad shall be located on any public street or highway belonging to any incorporated company, except for the purpose of crossing the same, the said company shall not lay any rails along said street or highway, nor commence work for that purpose, without first obtaining the consent and permission of the board of directors of said incorporated company, upon such conditions and restrictions as the said board of directors may impose; and if said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the townships of Bloomfield or Belleville, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committees of the respective townships, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex, and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located; and the said the Newark, Bloomfield and Montclair Horse Car Railroad Company shall have full power and lawful authority to make any contract with the Newark and Pompton Turnpike Company for the purchase or use of the rights and franchises of the said the Newark and Pompton Turnpike Company, or for authority to lay rails upon their said turnpike or any part or parts thereof, within the limits of the said city of Newark, and the said the Newark and Pompton Turnpike Company shall have full power to make such a contract or grant such authority.

Permission to lay rails in city of Newark to be first obtained.

Townships of Bloomfield and Belleville to give permission &c.

8. *And be it enacted*, That if the said company or its agent

Proceed-
ings when
company
and owners
cannot
agree.

or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of said company in the construction of 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 qualified to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisal of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing under the hands of said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury

and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs, assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

9. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing the said report by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, Proceedings in case of appeal from the report of commissioners. 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 Proviso.

any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury in case of appeal, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the 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 a viaduct of such a height as not to interfere with the passage of the trains upon such other railroad; and it shall also be lawful for said company, and they are hereby authorized, with their road to cross the line of the canal or water-course of any incorporated company, and to build bridges across the same and keep them in repair; *provided*, that the bridge or bridges hereby authorized to be built at such point or points of crossing, shall be of the same height as those built and maintained by said incorporated company or companies over their said canal or canals, water-course or water-courses, or otherwise at such point or points of crossing shall be constructed a pivot, draw or swinging bridge, with such an opening and of such a width as shall not interfere with the use of the canal or water-course of such incorporated company.

Provido.

Provido.

Provido.

Usefulness
of highways
not to be
impaired.

10. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness.

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

Rates of fare.

Proviso.

Proviso.

Proviso.

charters 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 railroad had not been located; but the superstructure of the said railroad and the materials of which the same are composed, shall in such case be deemed and taken to be 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.

Dividends. 12. *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.

May hold real estate. 13. *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 thereon, depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams, canals or water courses, as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Penalty for injury to works. 14. *And be it enacted,* That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation, such person or persons shall forfeit and pay therefor to the corporation three times the amount of damages sustained by means of such injury to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

When company may commence running cars. 15. *And be it enacted,* That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Statement of cost to be filed. 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, un-

der 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, after fifty per cent. of the capital subscribed shall have been paid in; in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road and furnish the said company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum. Company may borrow money.

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 fulfillment 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. May make contracts.

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. When to be completed.

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

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

Approved February 12, 1867.

CHAPTER XXIX.

An act to incorporate the New Brunswick City Railroad Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Levi D. Jarrard, Isaac S. Manning, Henry L. Janeway, Charles D. Jenkins, Albert H. Hager, Philo S. Ely and G. P. Bergen, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in name, by the name of the New Brunswick City 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 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 five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Books of
subscription to be
opened.

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

Election of
directors.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and controlled by a board of directors seven in number, who shall be stockholders, and a majority of whom shall be residents of the state of New Jersey; and that the said directors shall be chosen on the third Tuesday of December in each year, at such time and place, and in such manner as shall be designated in the by-laws of said corporation, and shall hold their offices for one year and until their successors are elected; and the

directors chosen at such meeting shall, as soon as practicable after every election, choose out of their own number a president; and if it shall happen that any vacancies occur from any cause, the same may be filled by the remaining directors or a majority of them, at any meeting of the board of directors; and until those elected at the first annual meeting shall enter upon the duties of their office, the persons named in the first section of this act shall be directors of this company.

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

6. *And be it enacted*, That the said corporation shall have power and authority to construct, maintain and operate lines of street railroads upon any of the streets within the corporate limits of the city of New Brunswick; and that the said corporation shall be subject to the provisions of an ordinance of the common council of the city of New Brunswick, entitled "An ordinance to authorize the construction and operating of street railroads in the city of New Brunswick," passed November thirty, eighteen hundred and sixty-six, and approved December third, eighteen hundred and sixty-six. Power to construct street railroads.

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

8. *And be it enacted*, That the said corporation shall have power to borrow any sum or sums of money from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise, not exceeding the sum of one hundred thousand dollars on the said road, lands, privileges, May borrow money.

franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

Penalty for
injury to
works.

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

Limitation.

10. *And be it enacted*, That this act shall continue and be in force for and during the term of fifty years, and shall take effect immediately.

Approved February 13, 1867.

CHAPTER XXX.

An act for the relief of "The Trustees of the Second German Presbyterian Church of the City of Newark, County of Essex, State of New Jersey."

Preamble.

WHEREAS, Daniel Dodd, junior, Julia H., his wife, and Alexander Pool, by their deed of conveyance, bearing date the first day of July, in the year eighteen hundred and fifty-four, and recorded in the Essex county register's office, in book 206 of deeds, pages 386 and 387, did convey to Reverend Joseph Few Smith, (by the name and description of Rev. J. Few Smith,) John Provost and Isaac Van Wageningen, a certain tract of land and premises situate on the north side of Quarry street, in the city of Newark, in the county of Essex, in trust for the uses and purposes of a Presbyterian church and Sunday school, which premises were afterwards by the said grantees conveyed to "The Newark Presbyterian City Mission Society," upon the same trusts, by deed of conveyance bearing date the sixteenth day of December, in the year eighteen hundred and fifty-eight, and recorded in the Essex county register's office, in book R, 10 of deeds, pages 433 and 434; *and whereas*, shortly after the making of the said first mentioned conveyance, a house of worship was erected on the said premises and used for the purposes of a Presbyterian

church and Sunday school by a society since incorporated by the name of "The Trustees of the Second German Presbyterian Church of the City of Newark, County of Essex, State of New Jersey;" *and whereas*, owing to the unfavorable situation of said premises for the purposes in question the said society, so incorporated as aforesaid, has purchased a more eligible site for a Presbyterian church and Sunday school, and is now erecting a more commodious and suitable edifice thereon, for the purposes aforesaid; *and whereas*, it is desirable and expedient that the premises described in said deeds of conveyance should be sold or disposed of, and the proceeds thereof applied towards defraying the expense of erecting and completing the new church edifice, or of a lecture room or parsonage to be used in connection therewith; *and whereas*, doubts are entertained as to the ability of the said "The Newark Presbyterian City Mission Society" to convey the said premises so as to vest a good and valid title in the purchaser thereof; 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 "The Newark Presbyterian City Mission Society" to sell either at public or private sale the whole or any part of said premises described in the said deeds of conveyance, as may seem to them desirable and proper, and to execute and deliver to the purchaser or purchasers thereof, under the corporate seal of the said "The Newark Presbyterian City Mission Society," a good and sufficient deed or deeds of conveyance therefor, which deed or deeds so executed and acknowledged or proved according to law, shall convey to and vest in the purchaser or purchasers, a good and valid title and estate in fee simple in and to the said premises, with the appurtenances, free and clear, and discharged of and from all trusts and conditions whatsoever, and of all liability to see to the application of the purchase money; and the purchase money received therefor shall be applied by the said "The Newark Presbyterian City Mission Society" towards defraying the expense of erecting and completing the said new church edifice, or of a lecture room or parsonage, to be used in connection therewith.

Society may
sell property
and
make deeds
of convey-
ance.

Approved February 13, 1867.

CHAPTER XXXI.

An act to incorporate the "Bergen Hill Pleasure Ground Association."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Bage, A. H. Gibbes, George M. Vanderlip, Robert Waller, Aymar Cator, Henry Torrance G. M. Douglass, Charles Henderson, and J. W. S. Earnshaw their associates, successors and assigns, and all other person who may become stockholders in the corporation hereby created, shall be, and their successors are hereby constituted and declared to be a corporation and body politic, by the name of the "Bergen Hill Pleasure Ground Association," to be located in the city of Hudson, and county of Hudson, and the object of which corporation shall be the providing and establishing of suitable accommodations for physical improvement, and the advancement of all kinds of lawful athletic games, sports, pastimes, and purposes.

May hold
real estate.

2. *And be it enacted*, That the said corporation shall have power in and by their corporate name to purchase, lease, hold, let, mortgage and convey real or leasehold estate to an amount not exceeding the amount of their capital stock.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said corporation shall consist of forty thousand dollars, with liberty to increase the same, when the majority of the directors shall so determine, to an amount not exceeding one hundred thousand dollars; the said stock shall be divided into shares of fifty dollars each, and shall be transferable in such manner as the by-laws of said corporation may direct, and each stockholder shall be entitled to vote at all elections for directors or other officers, and to cast one vote for every share of stock so held by him, which vote may be given in person or by proxy.

First
directors.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, and the persons named in section one of this act shall constitute the first board of directors, and shall hold their office until the first election of directors, to be herein held, pursuant to the by-laws of said corporation, and until others are elected in their stead, and the said corporation may increase the number of directors to fifteen at any time by a vote

the majority of the board of directors, and the said corporation shall have power, by its by-laws, to appoint the time and place for holding the elections for directors, and to fix the time for which such directors shall hold their offices, and to prescribe the manner of filling vacancies in their body; the directors aforesaid, or the survivors of them and those who from time to time be duly elected, shall, by a majority vote, as soon as may be after their election, appoint from among their number a president of said company, vice-president and a treasurer, and from among the stockholders a secretary of said company.

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in an act concerning corporations, approved fourteenth February, eighteen hundred and forty-six, and the acts amending the same. Restrictions and liabilities.

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

Approved February 13, 1867.

CHAPTER XXXII.

An act to incorporate the Hospital of Saint Barnabas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Odenheimer, M. Matson Miersmith, John S. B. Hodges, John N. Stansbury, William A. M. Maybin, Joseph H. Smith, John H. Barlow, Charles Hayes, Henry D. Law, George A. Mayheu, Walter Rutherford, Samuel S. Tiffany, William Vanderpool, John B. Van Wagenen, Jerome B. Ward and Thomas Webb, and their successors, being members and communicants of the Protestant Episcopal Church in the United States, and residents in the county of Essex be, and they are hereby constituted and made a body politic and corporate in fact and in law, by the name of "The Hospital of Saint Barnabas," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, to make and use a common seal and the same to change at pleasure, and to purchase, take, have, Names of corporators

Proviso.

Objects of the corporation.

Bishop of the diocese to superintend instruction of inmates.

Management of the property &c., vested in a board of trustees.

hold, receive and enjoy any lands, tenements or hereditaments in fee simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell or otherwise dispose of for the purposes of the said corporation; *provided*, that the person holding the office of bishop as hereinafter named, may be a corporator and trustee as provided by this act, notwithstanding he may not be a resident of said county.

2. *And be it enacted*, That the object of said corporation shall be the care, nurture and maintenance of sick, infirm, aged and indigent persons, and of orphan, half orphan and destitute children, the providing for their temporal and spiritual welfare, and the procuring or erecting a suitable building or buildings.

3. *And be it enacted*, That the moral and religious instruction of the inmates of said institution, shall be in conformity with the doctrine, discipline and worship of the Protestant Episcopal Church in the United States, and shall be under the superintendence of the bishop for the time being of the diocese of said church in which the city of Newark is or may be hereafter situated.

4. *And be it enacted*, That the affairs and management of the property and concerns of said corporation shall be conducted by and the corporate powers granted by this act, are hereby vested in a board of sixteen trustees, a quorum of whom for the transaction of any business, (except for the filling of vacancies in said board) shall be constituted when a majority of the parishes of said diocese represented in said board shall be represented at any such meeting by one or more members from each of such parishes so represented in such meeting appearing thereat; but upon the application hereafter of any parish of the Protestant Episcopal Church in the city of Newark not represented in said board, to be represented therein, such parish shall be entitled to a representation of three members to be added to said board, consisting of the rector of such parish and of two other members thereof, who shall be elected by a majority of said board of trustees. And whenever a vacancy shall occur in said board, it shall be filled by a member of the same parish to which the person whose place is to be supplied belonged when he became a member of said board. The first board of trustees shall be composed of the persons named in the first section of this act. And the said

board of trustees shall have power from time to time to make and adopt such by-laws, rules, regulations and other measures for the said corporation as to them shall seem expedient, and not inconsistent with the laws of this state, or of the United States, and to appoint one or more superintendents, and such other agents and officers as shall in their judgment tend to promote the welfare of the said institution, and to prescribe their respective duties. And the said board shall have power to fill all vacancies that shall hereafter occur therein, by a vote of a majority of the members thereof; *Provided, always,* that the said bishop of the said diocese for the time being shall always be one of the said board and the president thereof, and that the several rectors for the time being of the parishes represented in said board, shall always be members of said board of trustees.

Trustees
may make
by-laws and
regulations.

Proviso.

5. *And be it enacted,* That the president of said board shall fix the time and place of the first meeting of said trustees, and subsequent meetings of the said board may be held at the call of the said president, or of such number of said trustees, at such time and place, and upon such notice as the by-laws of such corporation shall prescribe.

Time and
place of
meeting.

6. *And be it enacted,* That the property and effects of said corporation shall not be liable to the imposition of any tax or assessment.

Not to be
taxed.

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

Approved, February 13, 1867.

CHAPTER XXXIII.

A supplement to an act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the Jersey City and Bergen Railroad Company, and they are hereby empowered to lay and construct another track through all the streets or avenues in the town of Bergen and the

Power to
construct
double
track.

city of Hudson, in which the said company now have or use a single track, so that through the said streets or avenues, the said company may have and use a double track railroad, and to lay and construct an additional track in the city of Jersey City, as follows: on Newark avenue, from the westerly boundary of the said city, to Montgomery street, and thence down Montgomery street to the Jersey City Ferry, so that they may have and use a double track railroad in the said streets, and to lay and construct an additional track in Grand street, from the westerly boundary of said city, at Mill Creek to Jersey street or avenue, so that they may have and use a double track railroad on said street, for the aforesaid distance, and to lay, construct and use a single track on Jersey street or avenue from their said tracks on Grand street to York street, and thence down York street, to connect with their track now laid in York street, at its intersection with Grove street, and to lay, construct and use a single track railroad, with necessary turnouts, in Jersey street or avenue, from its tracks in Newark avenue to Montgomery street; thence down Montgomery street, to connect with its railroad now laid in said street, at its intersection with Grove street, and to lay, construct, and use a single track railroad, with the necessary turnouts, from its railroad now laid in Newark avenue, northerly through the block and across South Ninth street and through Erie street, to Pavonia avenue; and from thence to lay and construct an additional track down Pavonia avenue to the Pavonia Ferry, so that it may have and use a double track railroad in Pavonia avenue, from Erie street to the Pavonia Ferry.

Company to
pave inside
of rails.

2. *And be it enacted*, That it shall be the duty of the said company to pave the part of any street or streets through which its railroad is or may be laid that lies inside of the rails of any of their tracks, with the same kind of material, whether cobble stone, Belgian pavement, or other substance, that the other parts of said streets or street is or shall be paved with, and to keep the said parts of said streets inside of their rails, as aforesaid, at all times, in good repair, at their own expense.

Kind of rail
to be used.

3. *And be it enacted*, That the rails to be used by the said company in constructing the railroads hereby authorized shall be the ordinary grooved rail, or such other pattern as will occasion the least inconvenience to the public travel.

Company
not to be
obstructed

4. *And be it enacted*, That it shall not be lawful for the municipal authorities, or any of them of any city, or town

through which the railroads of said company are or shall be laid or operated, to interfere with, hinder or obstruct, the said company in constructing or running their railroads; *Provided*, that the same shall be constructed and run according to the provisions of this act, and in compliance with such grades as are or may be established in said cities or towns, and that it shall be the duty of the municipal authorities aforesaid, to afford all necessary and proper facilities to the said company in constructing and operating their railroads so as best to accommodate the public travel on the same.

5. *And be it enacted*, That whenever the said company shall lay a single track it shall be in the centre of the street or streets through which it runs; except in Erie street between South Second street and Pavonia avenue; and within the limits last aforesaid, said track shall be laid with reference to an existing track, so as to least incommode the public, and whenever they shall lay or have a double track, such track shall be equi-distant from the centre of the street and near to the centre as practicable.

6. *And be it enacted*, That it shall be the duty of said company to run their cars on their said railroads, in such manner and at such times as will afford all necessary accommodation to the public traveling thereon, and at such rates of fare as now are charged or may hereafter be directed by law.

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

Approved, February 13, 1867.

CHAPTER XXXIV.

An act repealing "A further supplement to an act entitled 'An act concerning Landlords and Tenants,'" which further supplement was approved April sixth, eighteen hundred and sixty-six.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That "A further supplement to an act entitled 'An act concerning Landlords and Tenants,'" repealed.

which supplement was approved April sixth, eighteen hundred and sixty-six, be and the same is hereby repealed.

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

Approved, February 13, 1867.

CHAPTER XXXV.

An act to incorporate the "Vineland Loan and Improvement Association," of Cumberland county.

Names of
corporators 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles K. Landis, William A. House, Albert S. Hall, James C. Parsons, and Sidney Sweet, and such other persons as may be associated with them, shall be, and they are hereby constituted and declared a body corporate and politic in law and fact, by the name of the "Vineland Loan and Improvement Association," and by that name, style and title shall have continued succession, and shall be capable of purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels, and to let money at interest, and to secure the payment thereof by bond and mortgage or otherwise, and do all things necessary to carry out the objects of said corporation hereby created.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said association shall be twenty thousand dollars, with the privilege of increasing the same from time to time, to any sum not exceeding two hundred thousand dollars, divided into shares of one hundred dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he or she holds shares of said stock, which shall be deemed personal property, and transferable only on the books of the association; that two dollars on each share of stock shall be paid into the association each and every month until the full amount of stock subscribed shall be fully paid, at such time in each month and place as the directors shall appoint, and that notice of said time and place of meeting shall be published in one newspaper published in the county of Cumberland, at least one week previous to the time of such meeting; *provided*, that any stockholder may fully pay up his or her full amount of stock subscribed for at any time.

Proviso.

3. *And be it enacted*, That the property and business of said association shall be managed and directed by a board of five directors, who shall be stockholders in said association, and shall be chosen annually at such time and place, in the county of Cumberland, in such manner and upon such notice as the by-laws of said association shall direct, who shall serve for one year and until others are elected; that Charles K. Landis, William A. House, James C. Parsons, Albert S. Hall and Sidney Sweet shall be the first directors of this association under this charter, to continue in office until others are duly elected in their stead; that the directors of said association shall choose one of their number president, and may appoint such other officers and agents as they shall deem expedient, fill vacancies in their own board until the next annual election, make by-laws, collect instalments on stock, let money on interest to members of said association offering the highest premiums, and declare dividends to stockholders entitled to receive them.

4. *And be it enacted*, That each member of said association shall pay the sum of one dollar initiation fee upon each share of stock taken in said association; that if any member owning stock in said association shall neglect or refuse to pay his or her instalments at the time and place appointed by the directors for the payment thereof, said member so neglecting shall pay a fine to said association of twenty-five cents on each share owned in said association by said delinquent, and in case any member of said association shall neglect or refuse to pay any instalment for the space of six months after the same shall become due, such delinquent shall forfeit to said association all profits on his or her stock during the time such member shall so neglect to make such payment; that any person may become a member of said association for the purpose of obtaining a loan by paying to said association the sum of one dollar initiation fee for every loan of one hundred dollars obtained from said association; that no person shall be entitled to a vote in said association, or any profits or dividends except upon stock owned by him or her upon which there has been no loan obtained from the association.

5. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be entered all the transactions of said association, and also books for the transfer of stock of the association, which shall at all times at reasonable hours be open for

the inspection of the stockholders of said association; that the directors shall make an annual report to the stockholders of the affairs of the association, of the amount of stock actually paid in, and assets and debts of the association; and no dividend shall be declared except from the actual profits of the association.

How dissolved.

Proviso.

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

Legislature may repeal act.

7. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter to amend, alter, or repeal this charter, and that this act shall take effect immediately.

Approved February 15, 1867.

CHAPTER XXXVI.

An act to authorize the trustees of the First Evangelical Lutheran Church of Stewartsville, to sell and convey their old parsonage lot.

Preamble.

WHEREAS, The trustees and members of the First Evangelical Lutheran Church of Stewartsville, in the county of Warren, have purchased a lot of land and built a new parsonage, and it is now desirable by all concerned that the old parsonage house and lot should be sold; therefore,

Names of trustees to convey property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Fulmer, Benjamin Fritts, Henry Snyder, Abraham B. Weller, and Vincent Smith, trustees of the Lutheran church aforesaid, or their successors in office, or a majority of them, be, and they are hereby authorized to sell and convey the house and lot in the village of

Stewartsville, township of Greenwich, county of Warren, (known as the old Lutheran parsonage, and lot of land belonging) held by them as trustees, and apply the proceeds towards the payment on the new parsonage.

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

Approved, February 15, 1867.

CHAPTER XXXVII.

An act for the relief of School District No. Three, of the Township of Washington, in the County of Warren.

WHEREAS, School District No. Three in the township of Washington, in the county of Warren, have erected within the past year a new school building in said district for the accommodation of their schools, but the trustees of said district have not sufficient funds to complete said building and furnish the same fit for the use and accommodation of said schools, therefore, Preamble.

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

2. *And be it enacted*, That the trustees of said district are hereby authorized to borrow a sum of money not exceeding eight thousand dollars, to be used by them in finishing and furnishing said school building, and the said trustees are also hereby authorized to issue bonds for the money which may be so borrowed by them, and to make and execute a mortgage on the said school building and the lot of land whereon the same is erected, to secure the payment of said bonds with the interest which may accrue on the same. Trustees may borrow money.

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

Approved, February 15, 1867.

CHAPTER XXXVIII.

An act relative to the Public Printing.

How laws
are to be
printed and
rates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the Senate and minutes of the joint meeting, the minutes of the House of Assembly and the legislative documents, shall be printed hereafter in accordance with the style in which the work was done in the year eighteen hundred and sixty-six, at the following prices, to wit: for printing three thousand copies of session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journals of the Senate, with the minutes of the joint meeting, and one thousand copies of the minutes of the House of Assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages, for the press work; for printing one hundred and fifty copies of the public bills ordered by either branch of the legislature, at the rate of six dollars per sheet of four foolscap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages, for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rate above stated; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents, set in bourgeois type, in the session laws, journals of Senate and minutes of House of Assembly.

Provide.

Provide.

To include
all the ex-
penses ex-
cept paper
folding and
stitching.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, white printing paper for the documents in octavo form weighing forty-four pounds to the ream, of four hundred and

eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good foolscap paper weighing fourteen pounds to the ream, the price to be allowed for such paper, shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in February; for the paper used in the pamphlets and legislative documents and current works ordered by the legislature, at the lowest rates at which the same is sold by paper dealers in either of said cities during the last week in January, and for the other work at the lowest rates aforesaid at which such paper is sold in either of said cities during the last week in March of this year, and satisfactory evidence of the price of such papers within the said periods shall be submitted to the comptroller before the allowance by him for any bill for paper on which any public printing has been executed.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation and reference, shall hereafter be embraced in one volume under the title of legislative documents, and no document or report shall be printed in said volume unless so ordered by the joint committee on printing, and when said joint committee shall order any document to be printed in the said volume of legislative documents, the printer shall print one thousand copies thereof, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once, at periods more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for, each time the said document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

To regulate
printing of
messages
reports, &c.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, eighteen hundred and forty-six, it shall be the duty of the clerk of the General Assembly, and the secretary of the Senate, to deliver copies, completed, of the journals of their respective houses to the persons appointed to print the same, within thirty days after the close of the session of the legislature, and in the event of the clerk of the General Assembly and secretary of the Senate failing to deliver such copies as provided for in this section, they shall

Copies to be
delivered
within
thirty day
after the
close of
session.

forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Indices.

5. *And be it enacted*, That the indices to the journal of the Senate and minutes of the House of Assembly, the volume of the public laws, and the legislative documents shall hereafter be made out by the person or persons respectively, who may be employed to execute said printing, and the sum of fifty dollars each shall be allowed the said printers for compiling such indices; *provided*, that such indices shall be printed solid in bourgeois type, and be made out alphabetically under one heading, in the style of the index to the journal of the Senate of New Jersey for the year eighteen hundred and sixty-six.

Proviso.

Journal and minutes.

6. *And be it enacted*, That the journal of the Senate and minutes of the House of Assembly shall hereafter be printed in the same compact form and style as the journal of the Senate for the year eighteen hundred and sixty-six, and the comptroller shall audit no bills for printing not executed in accordance with this law.

Current printing.

7. *And be it enacted*, That Jonathan Vannote, of Trenton, be employed to print the bills, pamphlets and such other matters as may be ordered by the Senate and House of Assembly.

Documents

8. *And be it enacted*, That John F. Babcock, of New Brunswick, be appointed to print one thousand copies of the legislative documents for the current year.

Laws.

9. *And be it enacted*, That Chiswell & Wurts, of Paterson, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Chiswell & Wurts shall have received the copy thereof, and on failure thereof, the said Chiswell & Wurts shall forfeit the sum of five hundred dollars, which sum the said state treasurer is authorized to withhold and deduct from the amount due to them for printing said copies.

Duty of secretary of state.

10. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered, to the person or persons who shall be authorized to print the copies of the laws, a copy of every law passed at this session of the legislature within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or person authorized to print the copies of the laws,

any sum which he or they may have forfeited by reason of such default.

11. *And be it enacted*, That Sinnickson Chew, of Camden, be employed to print one thousand copies of the minutes of the House of Assembly for the current year. Minutes of assembly.

12. *And be it enacted*, That Franklin F. Patterson, of Newark, be employed to print one thousand copies of the journal of the Senate for the current year. Senate journal.

13. *And be it enacted*, That all acts and parts of acts conflicting with the provisions of this act be and are hereby repealed. Repealer.

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

Approved, February 20, 1867.

CHAPTER XXXIX.

An act to authorize the City Council of Atlantic City and the Township Committee of Egg Harbor Township, in the county of Atlantic, to subscribe to the capital stock of "the Pleasantville and Atlantic Turnpike or Plank Road Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of Atlantic City, in the county of Atlantic, be authorized to subscribe to the capital stock of "the Pleasantville and Atlantic Turnpike, or Plank Road Company," to the amount of three thousand dollars (\$3,000) and that the said city council shall be empowered to issue city scrip bearing legal interest for the payment of said stock; one thousand dollars (\$1,000) of which shall be payable on the first of September, eighteen hundred and sixty-seven, one thousand dollars (\$1,000) on the first of September, eighteen hundred and sixty-eight, and one thousand dollars (\$1,000) on the first of September, eighteen hundred and sixty-nine. Atlantic city council authorized to subscribe for stock.

2. *And be it enacted*, That for the payment of said city scrip when due, the said city council shall be authorized to issue new scrip payable in such times as they shall think proper, or pay the same out of any moneys in the treasury of said city not otherwise appropriated. May issue scrip.

City council
to be repre-
sented in all
meetings of
stockhold-
ers.

3. *And be it enacted*, That the said city council of Atlantic City shall at any of its regular meetings elect one of its own members who shall, in person or by proxy, have the privilege of voting in all of the meetings of the stockholders of said "Pleasantville and Atlantic Turnpike, or Plank Road Company," and enjoy all other privileges belonging to a stockholder of said company, and shall hold his office for one year, and until another is elected.

Township
committee
authorized
to subscribe
for stock.

4. *And be it enacted*, That the township committee of Egg Harbor Township in the county of Atlantic, be authorized to subscribe to the capital stock of "the Pleasantville and Atlantic Turnpike, or Plank Road Company," to the amount of four thousand dollars (\$4,000) and that the said township committee shall be empowered to issue township bonds, bearing legal interest, for the amount of stock subscribed; one thousand dollars (\$1,000) of which shall be payable in one year after date, one thousand dollars (\$1,000) in two years after date, one thousand dollars (\$1,000) in three years after date, and one thousand dollars (\$1,000) in four years after date.

May issue
and renew
bonds.

5. *And be it enacted*, That for the payment of said bonds when due, the said township committee shall be empowered to issue new bonds and renew the same from time to time, or raise the amount by taxation.

Township
committee
to be repre-
sented at
meetings of
stockhold-
ers.

6. *And be it enacted*, That the said township committee shall at its first meeting after the annual town meeting, elect one of its own members, who shall in person or by proxy, have the privilege of voting in all the meetings of the stockholders of the said Pleasantville and Atlantic Turnpike or Plank Road Company," and enjoy all other privileges belonging to a stockholder of said company, and shall hold his office for one year, and until another is elected.

Certificate
of election
to be depos-
ited.

7. *And be it enacted*, That before either of the persons elected by the said city council and township committee shall be entitled to the privileges of a stockholder in the said "Pleasantville and Atlantic Turnpike or Plank Road Company," he shall deposit with the secretary of said company a certificate of his election signed by the clerk of Atlantic City, or the clerk of Egg Harbor township as the case shall be.

Declared a
public act.

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

Approved February 20, 1867.

CHAPTER XL.

Supplement to the act entitled an "Act to incorporate the Millville Manufacturing Company," approved March tenth, eighteen hundred and sixty-five.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the president and managers of said Millville Manufacturing Company are hereby authorized and empowered to construct a dam across Maurice river, above the head of navigation, and near the present bridge over which the road from Millville to Bridgeton now passes, and in case that in their stopping the flow of the water any lands not owned by the company should be overflowed by the rise of the water, the president and managers are hereby authorized to enter at all times upon such lands for the purpose of surveying and leveling, for the purpose of ascertaining the quantity of land that will be overflowed by the construction of said dam, taking care to do no injury to private property in so doing; and when the quantity and situation of the land to be overflowed is ascertained, a survey shall be made and deposited in the office of the clerk of the county in which such lands are located, and it shall then be lawful to construct the said dam for the purpose of furnishing a water power to drive the mills of said manufacturing company, subject to such compensation as is hereinafter provided; *And provided always*, that the payment or the tender of the payment of all damages caused by the overflowing of said lands be made to the owners of said lands.

Authorized to construct dam.

Proviso.

2. *And be it enacted*, That if said company cannot agree with said owners of land to be overflowed, or if by the legal incapacity or absence of any owner no such agreement can be made, a particular description of said lands shall be given in writing under the oath or affirmation of some engineer, and also the name of the owner and occupants and their places of residence which shall be filed in the office of the clerk of the county in which said lands lie, and a judge of the court of common pleas of the county in which lands shall be situated, are hereby authorized and required to appoint three disinterested freeholders to value and estimate the damage done to such lands to be overflowed, which com-

Proceedings when company and owners cannot agree.

missioners shall give notice to the owners of said lands to be overflowed by an advertisement duly published in the public newspaper in the county, that they will examine the said lands in ten days from the date of such notice; said three commissioners shall examine said lands to be overflowed and proceed to estimate the damage to be caused by such overflow and shall, under oath or affirmation, fix the amount of damages to be paid by the said Millville Manufacturing Company, and in case the decision is not unanimous, then a majority of them shall be authorized to fix the amount of damages, and shall in writing, state under oath or affirmation, the amount of damages they may fix, which writing shall be filed with the clerk of said county, and it shall at all times be considered plenary evidence of the right of said company to overflow said lands, after a legal tender of the amount in legal tender currency of the United States is made to the owner, and if refused, is then paid to the clerk of the court of common pleas in the county in which said lands are situated, and the amount of such estimate and valuation with interests and costs may be recovered by said owners of said lands in any court of competent jurisdiction in suit to be instituted by said owners, in case the said company shall neglect or refuse to pay the said damages so assessed, and always provided that should such owners consider themselves aggrieved by said decision, they shall be allowed to appeal to the next circuit court in the county in which the lands lay; and said court shall have authority, in case they deem the appraised damages to be at an improper sum, to appoint a jury of six men to view such overflowed lands, who shall be authorized to estimate the damages of said overflow, and they shall have authority to add to or diminish the amount of the estimate as made by the commissioners first appointed, and their estimate as made and filed shall be final in said case, and the said president and managers of said company, upon the payment of such estimate, shall have full authority to overflow such lands by the construction of said dam.

Proviso.

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

Approved, February 20, 1867.

CHAPTER XLI.

A supplement to an act entitled "A supplement to an act to incorporate the Board of Education of the City of Camden," approved February twenty-fourth, anno domini eighteen hundred and sixty-four.

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

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

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

Approved, February 20, 1867.

CHAPTER XLII.

An act to authorize the President and Trustees of the Methodist Episcopal Church of Morristown to Sell and Convey certain Real Estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel F. Headley, George T. Cobb, Ichabod Searing, Francis A. Day, Cornelius V. Freeman, James M. Bonsall and Milton T. King, "the President and Trustees of the Methodist Episcopal Church of Morristown," or their successors in office, or any five of them, be and hereby are authorized and empowered to sell and convey any and all the real estate and appurtenances, situate in Morristown, in the county of Morris, now held by them in trust as the property or for the use and benefit of the said society of "the President and Trustees of the Methodist Episcopal Church of Morristown," or which is the property of said society, by virtue of any deed or deeds whatsoever, bearing date prior to January anno domini eighteen Trustees authorized to sell and convey lands.

hundred and sixty-six, and for that purpose to make, execute and deliver, a good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers of the same, and that all and every such deed or deeds of conveyance shall be good and effectual in law.

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

Approved, February 20, 1867.

CHAPTER XLIII.

An act to incorporate the New Jersey Slate and Mining Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Browning, Jehiel G. Shipman, Joseph G. Fell, Edward Roberts, Edward Browning, Albert W. Markley and Benjamin F. Howey, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The New Jersey Slate and Mining Company," and by that name the said company shall have power to purchase, procure, and hold such lands in the county of Warren, as may be necessary or proper for effecting the object of this corporation; and to open thereon mines and quarries, and to erect and construct thereon, buildings and machinery for mining quarrying, manufacturing, storing and selling slate, iron and other earthy substances; and shall have power to mine, quarry, manufacture, store up, and sell, or otherwise dispose of slate, stone, iron and other articles of which slate, stone, iron, or other earthy substances form the basis or principal ingredients; and shall have all such other powers as are enumerated in the first section of the act concerning corporations.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred 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 installment or installments, and upon such notice as the said corporation by by-laws or otherwise may direct or appoint; and, in case of a failure, by any stockholder, to pay his or her installment or installments, at the time and place mentioned and

appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of said corporation; *provided*, said company shall not commence business until the sum of fifty thousand dollars shall have been actually paid in. Proviso.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation shall 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, at any time or times hereafter, may increase their capital stock to any amount not exceeding five hundred thousand dollars. Stock how transferable.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, any four of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn; and that said Abraham Browning, Jehiel G. Shipman, Joseph G. Fell, Edward Roberts, Edward Browning, Albert W. Markley, and Benjamin F. Howey, shall be and hereby are appointed the first board of directors, to serve until the first Monday in May next, and others shall be elected in their stead; and the said directors, or a majority of them, as soon as conveniently may be hereafter, shall appoint one of their number to be president of said corporation until the said first Monday in May next, and 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 at their next or any subsequent stated meeting, may fill such vacancy until their next annual meeting for an election of directors; and no person shall be a director but a stockholder. Names of first directors.

5. *And be it enacted*, That an annual election of directors shall be held at Belvidere, in the county of Warren, in this state, on the first Monday in May next; and that all subsequent elections of directors shall be held at such time and place in said county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; 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 first Monday in May next, or at the time appointed for the holding any subsequent election thereof, the said corporation shall not, for that cause be deemed dissolved; but such election shall be had, at such other time and Election of directors.

place, as the board of directors, for the time being, shall or may appoint; and, in all cases, the directors, for the time being, shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as 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 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 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 times 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 accurate statement of the affairs of the corporation during that period; and they shall produce and exhibit to such meeting, the books, accounts, and papers of the corporation, if required to do so by any person or persons being stockholders, and that their principal office shall be in the county of Warren.

Limitation.

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

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

Approved, February 20, 1867.

CHAPTER XLIV.

A supplement to an act entitled "An act to authorize the board of chosen freeholders of the county of Monmouth to raise money, issue bonds, and for other purposes," approved February seventeenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Monmouth to pay interest on the bonds issued by them in accordance with the provisions of the act entitled "An act to authorize the board of chosen freeholders of the county of Monmouth to raise money, issue bonds, and for other purposes," approved February seventeenth, eighteen hundred and sixty-four, at the rate of seven per centum per annum, from and after the first day of April, eighteen hundred and sixty-six, and for that purpose, it shall be lawful for the said board of chosen freeholders to issue new bonds to the holders of bonds issued under the provisions of said act, in the corporate name and under the corporate seal of said county, and to be signed by the director of said board, and attested by the clerk, to bear date on the first day of April, eighteen hundred and sixty-six, and to be made payable at the same times at which the bonds which have been heretofore issued under said act were made payable.

2. *And be it enacted*, That it shall be lawful for the clerk of said board of chosen freeholders, in the presence of the director of said board, upon the issuing of the new bonds as aforesaid, to cancel the bonds corresponding thereto, by register, number and amount, which have been heretofore issued under said act, and which shall be presented to him for that purpose.

3. *And be it enacted*, That all the other provisions of the act to which this is a supplement, shall apply to the new bonds to be issued as aforesaid.

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

Approved, February 20, 1867.

CHAPTER XLV.

A supplement to the act entitled "An act to incorporate the Newark and New York Railroad Company," approved March first, eighteen hundred and sixty-six.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the president and directors of the Newark and New York Railroad Company shall have power to call in the remainder of their capital stock by instalments not to exceed ten per cent. of each share, by giving ten days previous notice in a newspaper published at Newark, and in one published at Jersey City; *Provided*, that no two instalments shall be demanded within ten days of each other.

Power to
call in stock

Proviso.

Width of
road.

Proviso.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That the president and board of directors of said company be and are hereby authorized to locate and form their railroad not exceeding sixty-six feet in width, unless it be necessary to take more, and then they may take the necessary amount of land up to, but not exceeding two hundred feet in width; *Provided, however*, that when shops, depots or coal yards are to be constructed, they shall have power to take a strip if necessary for the purposes aforesaid, and for the convenient transaction of their business, not exceeding four hundred feet in width and five hundred feet in length along the line of the said road, and that said lands may be acquired by the said company in the manner directed by section eight of their act of incorporation; *Provided*, that before commissioners are appointed for the purpose of acquiring any such lands as aforesaid, a particular survey and description of the lands so required, shall be filed in the office of the Secretary of State of this State; *And further provided*, that said road, after its intersection with the Morris Canal in Hudson county, may be constructed upon a line in said county of Hudson, south of the Newark Plank Road, and if the said railroad cross the track of the Central Railroad Company of New Jersey, it shall not cross the said track on the same level but shall pass over or under upon such grades as will permit the locomotives and cars of either company to pass without obstructions, not within one thousand feet of said plank road, nor south of the residence of Andrew McKnight, in said county; *Provi-*

ded, however, that after the said road shall cross the Morris Canal on the east of Bergen Hill and west of the Central Railroad of New Jersey, the said road shall be constructed over the land formerly of John G. Vanhorn and others, and over the land of James Stephens and others, as now staked out and shown on the lithographed maps published by the said company; *Provided*, also, the railroad company shall build substantial stone abutments over all roads, avenues, or streets which the said railroad may cross, also to erect a station at Washington avenue. Proviso.

3. *And be it enacted*, That the said Newark and New York Railroad Company shall have power to borrow money from time to time for the construction of said road or repairs, and for furnishing the necessary engines, cars, machinery and buildings for the use and objects of the said corporation, and to secure the repayment thereof with interest by executing bonds and mortgages, or otherwise, on the said road, lands, personal property, franchises and appurtenances of or belonging to said corporation, at an interest not exceeding seven per centum per annum, and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section; *Provided*, that the bonds issued as aforesaid shall not at any time exceed two-thirds of the capital stock actually paid up. Power to borrow money.
Proviso.

4. *And be it enacted*, That the said company may from time to time, with the assent of a majority in interest of the stockholders, increase their capital stock to any sum not exceeding one million dollars, in addition to their present authorized amount of capital, and may also change the value of shares by issuing one share of the value of fifty dollars in place of every two shares of the value of twenty-five dollars, and may issue any of their stock hereafter in shares of the value of fifty dollars each. Increase of capital stock.
Change value of stock.

5. *And be it enacted*, That in case of an appeal from the report of commissioners, as provided in section nine of the act to which this is a supplement, it shall be lawful for the said company to enter upon and take possession of the lands in controversy, and to proceed in the construction of their railroad upon tendering the amount assessed by the commissioners to the party or parties entitled to receive the same, or upon depositing the same with the clerk of the court of common pleas of the county in which said lands lie, Proceedings when company and owners cannot agree.

Proviso. without waiting for the result of said appeal; *Provided*, that the notice of the time and place of the appointment of commissioners required by the eighth section of the act to which this is a supplement, (to be given by the company to parties interested in lands desired by the company, when the said company cannot agree with the owners for the purchase thereof,) and also the notice required by said section to be given of the time and place of meeting of commissioners, shall not be less than ten days, instead of twenty days as required by said section.

File statement of cost 6. *And be it enacted*, That as soon as the said railroad, or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages, and all expenses, in the office of the Secretary of State, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the Secretary of State of the cost of equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships, wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons as the other taxes assessed in said city or cities, township or townships; *Provided*, that no other tax or impost shall be levied or assessed upon said company.

Pay tax of one-half per cent. on cost.

Other taxes.

Pay city and township taxes.

Proviso.

Repealer.

7. *And be it enacted*, That all of the acts and parts of the act incorporating the said Newark and New York Railroad Company, inconsistent with the provisions of this act be, and they are hereby repealed.

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

Approved, February 21, 1867.

CHAPTER XLVI.

An act to incorporate "The Esterbrook Steel Pen Manufacturing Company."

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Esterbrook, Albert W. Markley, William H. Gatzmer, Richard Esterbrook, Junior, Philip P. Dunn, and their associates, heretofore known as "The Esterbrook Steel Pen Manufacturing Company," and their successors and all other persons who shall become stockholders in the corporation hereby created, and their successors and assigns, be and they are hereby made and constituted a body politic and corporate in law, by the name of "The Esterbrook Steel Pen Manufacturing Company," for the purpose of manufacturing steel pens, penholders, pencils, and all other things to the same pertaining, and for the transaction of such business as may be necessarily connected therewith, and that their principal office shall be in the city of Camden.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the county of Camden as may be required for the purposes of said corporation, and all other real estate which shall have been mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees which shall have been obtained for or upon such debts, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal and may change or alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *Provided*, the same are not inconsistent with the constitution and laws of the United States, or of this state.

3. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars each, the amount to be subscribed not to be less than one hundred and fifty thousand dollars, with which the corporation shall commence business, of which the stock already subscribed and paid for

shall be deemed and taken as part; which shares shall be deemed personal property and shall be transferable in such manner as the said corporation shall direct.

Election of
directors.

4. *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 ten directors, one of whom the said directors shall appoint their president, and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be held at the annual meeting of the stockholders, to be elected on such day, at such hour of the day and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, the persons named in the first section of this act, with such others, being stockholders, as they shall appoint, shall be the directors of said corporation; a majority of the directors shall, on all occasions when assembled, at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes, and in case any vacancy shall occur in the board of directors by death, resignation or failure of the stockholders to elect the full number 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.

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

Dividends.

6. *And be it enacted*, That dividends of so much of the profits of the said corporation as the directors may think advisable, may be declared in the months of January and July in every year, to be paid to the stockholders or their legal representatives at any time on demand after the expiration of thirty days after the same shall have been so declared.

Not to be
dissolved
by failure
to elect.

7. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated in this act for that purpose, the said corporation shall not be deemed to be dissolved, but the stock-

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

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

9. *And be it enacted*, That this act shall take effect so soon as the said "The Esterbrook Steel Pen Manufacturing Company," at a meeting of the stockholders called for that purpose, shall, by a resolution, signify their acceptance thereof as the charter of said corporation; and that this act shall continue in force for twenty years; *Provided*, that nothing in this act contained shall be construed to alter or impair the rights, liabilities and contracts of the said company under its present organization; and that the corporation hereby created shall possess the general powers and be subject to the restrictions, provisions, duties, limitations and obligations set forth in an act entitled "An act Concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the supplements to said act so far as the same are applicable. When to take effect.

Approved, February 21, 1867. Proviso.

CHAPTER XLVII.

CHAPTER XLVII.

A supplement to the act entitled "An act to incorporate the Elizabethtown Gas Light Company."

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 Union, in Union county, and of the township of Clinton, in Essex county, in this state, and to do all things necessary to light the said Company empowered to lay gas pipes, &c.

streets, alleys, lanes, avenues, and public grounds in the said townships, and the dwellings, stores, and other places situated therein; *provided*, that the public travel of the said townships 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.

Authority to
make con-
tracts.

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 supplement, and of enforcing the same, and also such other powers and authorities as are given and granted by the first and eighth sections of the act to which this is a supplement as may be necessary fully to carry out the purposes of this act.

Capital
stock may
be increas-
ed.

3. *And be it enacted*, That the said company shall have power to increase their capital stock to the further amount of two 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.

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

Approved February 21, 1867.

CHAPTER XLVIII.

An act to change the name of the West Broad Street Methodist Episcopal Church of Newark, incorporated by certificate dated July 13, 1857, and recorded in the clerk's office of Essex county, in book C, page 35.

Name
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the West Broad Street Methodist Episcopal Church of Newark, be and the same is hereby changed to the Clinton Avenue Methodist Episcopal Church of Newark.

Rights and
liabilities.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act

had not passed ; and that this act shall take effect immediately.

Approved February 21, 1867.

CHAPTER XLIX.

An act to change the name of the Quarry Street Methodist Episcopal Church, of Newark, incorporated by certificate dated July nineteenth, eighteen hundred and forty-eight, and recorded in the clerk's office of Essex County, in book B, page 170.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Quarry Street Methodist Episcopal Church, of Newark, be and the same is hereby changed to the Eighth Avenue Methodist Episcopal Church, of Newark. Name changed.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not passed, and that this act shall take effect immediately. Rights and liabilities.

Approved February 21, 1867.

CHAPTER L.

An act to incorporate "the Hudson Ice Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, James R. Hill, David McDaniel, Conrad Spengeman, Theophilus Butts, Herman Luhrs, John M. Patterson, John M. Francis, J. Harvey Lyons, Rees Price Francis, and Jacob Gaeyer, and all and every person and persons who may become associated with them in the mode hereinafter prescribed and provided, and their successors are hereby made, constituted and declared to be a body corporate and politic in fact and in law, by the name, style and title of "the Hudson Ice Company," and by that name they and their successors shall have full power and authority to make and use a common seal and alter and renew the same at pleasure, and by their said corporate Names of corporators

name shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of judicature of this state.

Objects of
the corpor-
ation.

2. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created shall be the gathering, procuring, storing, purchasing, buying, selling and vending ice as an article of merchandize, and for that purpose they and their successors are hereby invested with full power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, boats, floats, and other things which they may deem proper or requisite in the carrying on or management of their said business.

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, to be divided into shares of one hundred dollars each; and the said capital stock shall be considered as personal property, and shall be transferable on the books of the corporation in such manner as may be prescribed in the by-laws; and the stock and transfer books as well as the books of account of the said corporation shall be open at all times, but at reasonable hours, to the inspection of the stockholders.

Commis-
sioners to
open books
and receive
subscrip-
tions.

4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of the said company, and they, or a majority of them, shall open books for that purpose, at such time and in such place as they shall designate by previous advertisement at least three weeks in a public newspaper printed in Hoboken, and shall keep the same open as long as they may deem proper, and may close the same at their own pleasure, and open the same from time to time upon like notice, and may require each subscriber to pay to them at the time of subscribing not exceeding twenty per cent. of his subscription which shall be paid over to the directors of the corporation to be appointed as hereinafter prescribed, and all the powers of said commissioners shall cease upon the appointment of the directors; and the board of directors, when appointed, shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken, and said directors may call on the subscribers for the payment of instalments in such sums, and at such

times and under such forfeitures as they may deem expedient.

5. *And be it enacted*, That the said corporation hereby created shall from time to time have power and authority to make, ordain and establish such constitution and by-laws and regulations as they, or a majority of them shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said corporation hereby created, and the election of the same for prescribing their several functions and their compensation, and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said corporation; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

General powers of the corporation.

Proviso.

6. *And be it enacted*; That the management of the concerns of the said corporation shall be vested in five directors to be selected from the stockholders of said company; a majority of said directors to be citizens of the state of New Jersey, and as soon as may be after the sum of ten thousand dollars shall have been subscribed in the manner hereinbefore mentioned, the said commissioners above mentioned, or a majority of them, shall convene the then stockholders, who shall have subscribed to the capital stock as aforesaid, by public notice inserted and published in a newspaper published and circulating in said county of Hudson, where its principal office shall be located, at such time and place in the said county as they may designate in such notice, for the purpose of electing and choosing the first board of directors of said company, who shall hold their office until other directors shall be elected and chosen in their stead, and all subsequent elections of directors and vacancies in the board of directors shall be held and filled at such time and in such manner as may be prescribed in the constitution, rules, regulations and by-laws of the said corporation, and that a majority of the said board of directors shall form a quorum for the transaction of business.

Election of directors.

7. *And be it enacted*, That if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage, any boat, float, vessel, store or warehouse or other appendage used or employed by the said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their

Penalty for injury to property.

business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years, or both: *Provided, however,* that no such criminal prosecution shall take away or in any way impair the right of the said company to an action of damages by a civil suit.

Limitation. 8. *And be it enacted,* That the corporation hereby established shall continue in force for twenty years, and shall possess all the powers in addition to those herein granted, and be subject to the same restrictions and liabilities, except as otherwise in this act provided, as are granted and imposed by the act concerning corporations, approved February fourteenth, eighteen hundred and forty-six, so far as applicable hereto.

Restrictions and liabilities. *May borrow money.* 9. *And be it enacted,* That the said company shall have power to borrow money to an amount not exceeding one-half of its capital stock paid in, and to mortgage their property and franchises to secure the payment thereof, and to execute all and necessary securities for securing, with interest thereon, not exceeding seven per centum per annum, and it shall be lawful for the said company, and they are hereby authorized to sell and dispose of any bonds, obligations or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, to any person or persons or corporation, at any rate of price they may be able to realize or obtain for the same, without the same being in any way invalidated thereby, or any person or persons or corporation being liable to any penalty or forfeiture therefor.

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

Approved, February 21, 1867.

CHAPTER LI.

An act to facilitate judicial proceedings in the county of Union.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the presiding judge of the court

of oyer and terminer and general jail delivery of the county of Union, shall nominate and appoint under his hand and the seal of the said court an officer, who shall be called the clerk of the grand juries, who shall hold his office for the term of one year, unless sooner removed by said judge, which he is empowered to do at his pleasure. Appointment of clerk of grand juries

2. *And be it enacted*, That such clerk of the grand juries shall, at each term of the courts of said county, and before entering upon the duties of his office, be duly sworn in open court well and faithfully to execute the duties of his said office and to keep secret the counsel of the state, the grand jury and his own, as such clerk thereof. Oath to be made.

3. *And be it enacted*, That the duties of the said clerk of the grand juries shall be as follows: to obtain and receive from the justices of the peace and coroners of the said county, on behalf of such grand jury, at least six days before the session thereof, all complaints, informations, examinations, inquisition and recognizances before them had and taken from time to time and still remaining; to arrange such complaints, informations 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 jail of said county from those which relate to persons at large; to cause subpoenas to be issued, under the direction of the prosecutor of the pleas of the said county, 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 grand jury to issue subpoenas in like manner from time to time; to aid the grand jury in forwarding their business and in the examination of witnesses, and to write down 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. Duties of clerk.

4. *And be it enacted*, That the said clerk of the grand juries shall receive for his compensation the sum of one hundred dollars per annum, to be paid by the collector of the said county. Compensation.

5. *And be it enacted*, That it shall be the duty of the justices of the peace of the said county to deliver to the said clerk of the grand juries, at least seven days before each session of the court of said county, all complaints, examinations, informations and recognizances before them had or taken and then remaining, and if any justice of the peace shall neg- Duty of justices.

lect or refuse so to do, he shall for every such neglect or refusal forfeit and pay to and for the use of the said county one hundred dollars, to be sued for in an action of debt by the chosen freeholders of the said county.

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

Approved, February 25, 1867.

CHAPTER LII.

A supplement to an act entitled "An act relating to the Assessment and Revision of Taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

Taxes,
where to be
assessed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter, the first Wednesday in April, in each year, shall be the day for commencing the assessments of taxes in the city of Newark, and all valuations of property and assessments of taxes, for each year, in said city, shall be considered as made on said first Wednesday in April.

When to be
collected
and paid.

2. *And be it enacted*, That the duties so required to be performed by the act, to which this is a supplement, between the second Monday in June and the second Monday in July, in each year, shall be performed hereafter, between the third Monday in June and the third Monday in July, and the notice required in said act, to be published, shall be changed to conform herewith.

When to be
delivered to
the receiver
of taxes.

3. *And be it enacted*, That "The Board of Assessment and Revision of Taxes in the city of Newark," and the township assessors of the county of Essex shall meet, annually, on the fourth Monday in July, instead of the second Monday in July, to perform the duties prescribed by law, and that the lists, required by the second section of the act, to which this is a supplement, to be delivered by the said board to the receiver of taxes for said city, within five days after the second Monday in July shall be delivered hereafter on or before the second Monday in August of each year.

Duties of
board.

4. *And be it enacted*, That the said board shall have power during the time of their meeting, as provided for in the

fourth section of the act to which this is a supplement, to make assessments, in all cases, upon persons who may become residents of the city of Newark, after the said first Wednesday in April, and before the twentieth day of May, and also in all cases, previously omitted or neglected, by mistake, and also to increase assessments, in all cases, where it would be just and equitable; *provided*, that no person shall be assessed, nor shall any assessment, other than one appealed from, be increased at the said September meeting of said board, except on a notice in writing, to the party interested, five days prior to the making or increasing of such assessments, which notice shall be served in the manner directed for similar notices, in the second section of the act to which this is a supplement. Proviso.

5. *And be it enacted*, That the provisions of any act inconsistent herewith, are hereby repealed. Repealer.

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

Approved, February 25, 1867.

CHAPTER LIII.

A further supplement to the act entitled "An act to authorize the inhabitants of school district number one, in the township of Plainfield, in the county of Essex, to raise money to build school houses," approved March nine, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number one, in the township of Plainfield, are hereby authorized to borrow the sum of fifteen thousand dollars, and issue bonds for the same, under their corporate name and seal, for the purpose of providing another school house in said district. May borrow money and issue bonds.

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

come due, and shall be paid, with the interest as above provided, at maturity.

Amount to
be raised by
assessment.

3. *And be it enacted*, That the amount as thus required to be paid, shall be added by the assessor of Plainfield township, to the amount voted at the annual meeting of the district, as authorized by the act incorporating school district number one, in Plainfield, and the supplements thereto, and the said additional amount shall be assessed and collected and paid over, at the same time and manner as the other moneys raised for said district, are assessed, collected and paid, until all the bonds authorized by this act shall be fully paid and cancelled.

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

Approved, February 25, 1867.

CHAPTER LIV.

Supplement to an act entitled "An act to incorporate the Newark Hospital," approved February twenty-seventh, eighteen hundred and fifty-seven.

Who may
vote.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all future annual elections for directors of the Newark Hospital, all such persons as may have severally contributed to the funds of said corporation, to the amount of fifty dollars or over, shall be entitled to vote, in the proportion of one vote for each and every fifty dollars so contributed.

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

Approved, February 25, 1867.

CHAPTER LV.

A supplement to the act entitled "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," approved March first, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the first section of the said act to which this is a supplement, shall extend to and embrace all proofs, as well as acknowledgment, of any deed or deeds therein referred to, and that the certificate referred to in the proviso of the said section, if under the seal of the county or the official seal of the clerk of the county, signed by himself or his deputy, shall be as effectual to all intents and purposes as if the same were under the seal of a court of the county as mentioned in the said proviso.

Deputy clerk may sign certificate.

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

Approved, February 25, 1867.

CHAPTER LVI.

A further supplement to an act entitled "An act Concerning Roads."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That so much of a certain public road leading from Mount Holly to Jobstown, in the county of Burlington, as is hereinafter described, being a part of the great road leading from Mount Holly to Monmouth Court House, and laid out by commissioners appointed by an act of the legislature, approved March sixteenth, anno domini seventeen hundred and ninety-six, viz: Beginning at a stake at the bridge over a branch of the Buttonwood stream, in Garden street, and running thence along the said public highway, south sixty-six degrees west, about six hundred and

Portion of road vacated.

thirty feet to a stake in said street opposite the frame dwelling with a brick front, now occupied by Samuel Risdon, shall be and the same is hereby vacated.

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

Approved, February 25, 1867.

CHAPTER LVII.

A further supplement to an act to repeal a supplement to an act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty-five.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled a further supplement to an act entitled "An act to incorporate the Gloucester Turnpike Company," approved April third, eighteen hundred and sixty-six, is hereby repealed.

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

Approved, February 25, 1867.

CHAPTER LVIII.

An act to incorporate "The Liberty Hook and Ladder Company, Number One," in the City of Salem, in the County of Salem.

WHEREAS, a number of citizens of the City of Salem, in the County of Salem, and State of New Jersey, have associated themselves together under the name of "Liberty Hook and Ladder Company, Number One," for the protection of the lives and property of their fellow-citizens from destruction and loss by fire: And whereas, the said citizens, believing they would be advantaged by having an enactment from the Legislature of this State, conferring the powers of a corporation upon them, respect-

fully ask that the same may be granted them; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Martin P. Grey, Albert Steiner, John Haverstick, John Hogan, Charles H. Tippenhauer, Franklin Vanneman, William B. Foster, Henry Hall, Andrew G. Vanneman, Ephraim Shaw, George Hogan, Benjamin H. Dilmore, Chambless Fowler, Andrew J. Copner, Isaac E. M. Friant, Charles Fox, Quinton G. Friant, William Mason and Frank Howard, and all such citizens of the township or city of Salem, between the ages of twenty-one and fifty-five years, to the number of forty, as now are or may hereafter become members of the said "Liberty Hook and Ladder Company, Number One," of the said city of Salem, in the County of Salem, be and they are hereby constituted and declared to be a body politic and corporate in fact and in law, under the name, style, and title of "Liberty Hook and Ladder Company, Number One," of the City of Salem, in the County of Salem, and by the same 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 the courts of judicature whatsoever; and that they and their successors may have a common seal, and by their corporate name, as aforesaid, and under their common seal make, enter into and execute any contracts or agreements touching the object of the said corporation; and shall have full power to make, form and adopt such form of constitution and such by-laws and regulations for their government not inconsistent with the constitution and laws of this State, or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of said Company shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring, maintaining and repairing such fire hooks, ladders, trucks, buckets, truck house, and such other apparatus, and to such other incidental expenses as the said company shall hereafter deem proper to secure the property of their fellow-citizens from injury or destruction by fire.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president, secretary and treasurer out of their body, and such other officers as they shall deem necessary for conducting their

Names of
corporators

Amount of
capital
stock.

Election of
officers.

affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

May receive
money for
mainten-
ance.

4. *And be it enacted*, That the said company shall be entitled to receive such moneys from the city authorities of the said city of Salem as may be necessary for the maintenance and repairing of their apparatus, fixtures and house.

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

Approved February 25, 1867.

CHAPTER LIX.

An act to incorporate The Trades Manufacturing Company of Newark.

Names of
corporators

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Barak T. Nichols, Frederick B. Betts, James F. Bond, George B. Nichols and Enoch L. Dunn, and all such persons as may be hereafter associated with them, their successors and assigns, be and they are hereby created a body corporate and politic in fact and in law, by the name of "The Trades Manufacturing Company," for the purpose of manufacturing saddles and harness, and the various branches connected with said business or incident thereto; and of selling such manufactures; and of carrying on the business properly belonging to or necessary for the purposes of this incorporation; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law be capable of making all necessary contracts, of suing and being sued in all courts of law and equity in any place whatever; and of doing and causing to be done all acts needful for the proper management of the funds and property of the said corporation, and carrying on the business for which the said corporation is created, to make and use a common seal, and alter and renew the same at pleasure, and they and their successors by the same name, may be capa-

ble to acquire, purchase, receive, have, hold and enjoy, and to sell, mortgage, or otherwise dispose of such personal and real estate as may be useful or necessary for the said corporation, to carry on the business aforesaid; and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in the business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided, always,* that the funds of the said corporation, or any part thereof, shall not be used in banking operations. Proviso.

2. *And be it enacted,* That the stock, property and concerns of said corporation shall be managed and conducted by not less than five nor more than seven directors, being stockholders, one of whom shall be president, who shall hold their offices for one year, and that said directors shall be chosen on the first Monday of April in every year, at such time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers published nearest the place where said election shall be made, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled in person or by power of attorney, to as many votes as he shall hold shares of the capital stock of said company, and the person 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 be had; and the directors so chosen may appoint such officers, superintendents and agents, and assign such compensation as they shall see fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors, officers or superintendents, they may be filled by the appointment of such person or persons as the directors, or a majority of them, shall think fit, and the first directors shall be Barak T. Nichols, Frederick B. Betts, James F. Bond, George B. Nichols and Enoch L. Dunn, who shall hold their offices until the first Monday of April next, and until others are legally chosen. Election of directors.

3. *And be it enacted,* That the capital of said company shall be one hundred thousand dollars, but may be in- Amount of capital stock.

creased by a vote of a majority of the directors from time to time, to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as a transfer and conveyance shall be made to this company by Barak T. Nichols, of the property and real estate, situate on the corner of Centre and River streets in Newark, which represents seventy-five thousand dollars of said capital, and twenty-five thousand dollars paid in cash, it shall and may be lawful for this company to commence their business, and with that capital conduct and carry it on until they shall deem it expedient to increase it in the manner aforesaid; and it shall be lawful for the directors of said company to call and demand from the subscribers of stock 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 the said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall be published for the space of ten days, in one or more newspapers published in or near the place where each payment shall be required to be made.

Stock, how
transferred

Proviso.

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

Not to be
dissolved
by failure
to elect.

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

Powers of
directors.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation; and shall have power to establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government, management and disposition of the stock, effects and concerns of the said corporation, and to execute and carry into effect the powers herein given; *Provi-*

Proviso.

ded, the same are not contrary to the laws and constitution of the United States or of this State.

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

8. *And be it enacted*, That this act shall continue in force for the period of thirty years; but the same may be altered or amended by the legislature whenever the public good may require it. Limitation.

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

Approved February 25, 1867.

CHAPTER LX.

An act to incorporate "The Spotswood and Old Bridge Turnpike Company."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Spotswood and Old Bridge Turnpike Company shall be opened by Leonard Appleby, Phineas M. Skinner, Eleazer Ayres, William A. Appleby, John Perrine, Leonard L. F. Appleby, Robert S. Herbert, J. Biddle Herbert, Theodore F. Appleby, James C. Stout and Thomas A. Perrine, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and at such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Middlesex. Commissioners to open books of subscription to capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three thousand dollars, with the liberty for the

Amount of
capital
stock.

said company to increase the same to five thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when sixty 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 "Spotswood and Old Bridge Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Install-
ments, how
paid.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners or any two of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments, at such times and such places and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in 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 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 the stockholders shall upon request have the right to pay the stock subscribed, except the first instalment, by work or labor upon said road, under such regulations, at such time, and upon such notice, by either party, as the directors may determine.

Proviso.

Proviso.

Act, how
made void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within three years from the time of opening 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 their respective subscribers or their representatives, in proportion to the shares paid in by them.

Election of
directors.

5. *And be it enacted*, That when fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' no-

tice 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, 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.

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 a resident of the county of Middlesex, 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; and 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. Election of president.

7. *And be it enacted*, That the said directors or a majority of them may supply any vacancy in the interval between the annual elections by death, resignations, removal, or refusal to act of any president or directors, and may appoint a treasurer, who shall be a citizen of this state, and a resident of the county of Middlesex, 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 Powers of directors.

receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided* the same are not repugnant to the constitution or laws of this state or the United States.

Annual
statement
to be made.

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

Special
meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting, but that no business of the company shall be transacted at such special meeting, 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.

Act not
made void
by failure
to elect.

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

May con-
struct road.

11. *And be it enacted*, That it shall be and may be lawful for the said company to construct and make a turnpike road, or any part thereof, from some point in the village of Spotswood, at or near the house now belonging to William Gabriel, where a run of water crosses the road, to the bridge that crosses South river at the village of Old Bridge, and that the width of said turnpike 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 lands over which the said highway, selected for constructing said turnpike road, now passes, all

Proviso,

damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may in the manner hereinafter provided for for ascertaining and determining the damages which any land owner shall sustain by the taking of stone, gravel, or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided*, Proviso. also, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

12. *And be it enacted*, That the said turnpike road shall be Breadth of road. constructed at least thirty six 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 eighteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road not less than thirty 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 upset, 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.

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 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 enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use and purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of

the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Middlesex, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands and 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 Middlesex, to remain on record therein, and shall be recorded by the said clerk; which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and demands 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 thirty 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 or judge 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 said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or a turnpike across the said road, not exceeding two in number, and to demand and receive toll for traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates:

For every carriage, sleigh or sled drawn by one beast, one cent; May erect gates.
Rates of toll.

For every additional beast, one cent;

For every horse or 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 burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from any funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called on duty by the laws of this state or the United States. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and such stone or post shall be Mile stones to be erected.

fairly and legibly marked the distance the said stone or post is from the commencement of the said road at the west end of the village of Spotswood, and shall cause to be fixed and always to be kept up at the gates or turnpike aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs."

Penalty for
injury to
road.

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 person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for
delaying
travelers.

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

Penalty for
obstructing
passage.

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

subject to an action for damages for every such offence, to be recovered with costs of suit.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Middlesex, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road the said justice shall immediately in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open, until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, 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 said 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 the said persons, or any two of them, by license under his hand and seal directed to the toll-gatherer, permit the gates or turnpike to be shut, and the toll to be collected as before, and the same fee 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 fee shall be allowed as before prescribed, and paid by the person or persons making the complaint, and in case three of the township committee as aforesaid are not disinterested, then the said justice shall appoint in the same manner as above prescribed, one or more respectable freeholders in the town-

Bridges and
road to be
kept in
repair.

ship, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Time for
completion
of road.

20. *And be it enacted*, That if the said road is not commenced within three years, and completed in five years from the passage of this act, then and in that case this act shall be void; and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

When mile-
stones may
be erected.

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

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

Approved, February 25, 1867.

CHAPTER LXI.

An act to change the name of "the Baptist Church and Congregation at Plainfield," to "the First Baptist Church at Plainfield."

Corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "the Baptist Church and Congregation at Plainfield" be changed to the "First Baptist Church at Plainfield."

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

Approved February 25, 1867.

CHAPTER LXII.

An act to incorporate "the Vineland Palm Leaf and Shaker Hood Manufacturing Company."

WHEREAS, Charles K. Landis, Sidney Sweet, John Prince, Lewis Mulford, Moses C. Crocker, William G. Smith, and sundry other persons having being associated together under the name, style, and title of the "Vineland Palm Leaf and Shaker Hood Manufacturing Company." Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles K. Landis, Sidney Sweet, John Prince, Lewis Mulford, Moses C. Crocker, and William G. Smith, and such other persons, as have been associated with them as aforesaid or may be hereafter associated with them shall be and they are hereby constituted and declared a body corporate and politic in fact and law by the name of the "Vineland Palm Leaf and Shaker Hood Manufacturing Company," and by that name shall have continued succession and shall be capable of purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of said corporation hereby created. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, the company to commence business when five thousand dollars thereof shall be paid in, and shall have the privilege from time to time of increasing the capital stock to any sum not exceeding one hundred thousand dollars, divided into shares of twenty-five dollars each, each stockholder being entitled in person, or by proxy, to as many votes as he holds shares of said stock, which shares shall be deemed personal property, and transferable in such manner as the said company by its by-laws may direct. Amount of capital stock.

3. *And be it enacted*, That the property and business of said company shall be managed and conducted by a board of directors, not less than five or more than seven in number, who shall be stockholders in said company, and shall be chosen annually at such time and place in the county of Cumberland, in such manner and upon such notice as the by-laws of said company shall direct, who shall serve for one year and until others are chosen in their stead; and that Election of directors to be made annually.

Charles K. Landis, Sidney Sweet, John Prince, Lewis Mulford, Moses C. Croker, and William G. Smith, shall be the first directors of this company under this charter to continue in office until others are duly elected in their stead; that the directors of said company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect instalments on stock when called for, and in case of non-payment by any person heretofore associated together as aforesaid or who may hereafter be associated together as stockholders, of any instalment or instalments when duly called for, said directors are hereby authorized by an action of debt, brought in the corporate name of said company to sue for and recover the same with costs of suit, in any court of judicature or to declare the stock of such delinquent or delinquents forfeited and all previous payment or payments made therein if they deem it expedient.

Books of
account to
be kept.

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

May be
dissolved.

Proviso.

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

Act may be
repealed.

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

and repeal this act, and that this act shall take effect immediately.

Approved February 25, 1867.

CHAPTER LXIII.

An act to incorporate the Mechanics' Hall Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. P. Seguire, R. W. Myers, George Gardner, W. P. Weller, Ezra Emmons, Ely Young, Martin Lunger, W. B. Banghart, William Hardy, John Hop-^{Names of} pock, Jacob Foose, Jacob Vanover, P. S. Myers, John Myers, Emanuel Lisk, John Haggerty, William Mitchell, L. C. She-^{corporators} pard, Abraham Mayberry, John Teats, P. P. Johnson, John Davis, and C. B. Heldabrant, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors are hereby made and declared to be a corporation and body politic in fact and in law by the name of the "Mechanics Hall Company," and by that name shall have power to lease or to purchase and hold real estate in Clarksville, Hunterdon County, state of New Jersey, and to erect thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts and exhibitions, subject to the by-laws and regulations of said corporation.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of ten thousand dollars, with the liberty to increase the same hereafter whenever a majority of the directors of the said corporation shall so determine, to any sum not exceeding twelve thousand dollars. ^{Amount of capital stock.}

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders. ^{Share how divided.}

4. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall direct, and shall not be less than ^{Election of directors.}

five in number, and shall with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Capital not
to be with-
drawn.

5. *And be it enacted*, That no part of the said capital stock at any time or in any manner, or under any pretence whatever, shall be withdrawn from the legitimate business of said corporation, or refunded to the stockholder until all debts and liabilities of the said corporation are duly paid.

Debts limited.

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

Annual
statement
to be made.

7. *And be it enacted*, That, annually, in the month of January, the directors of said corporation shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against such corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, which, with said statement, shall be verified by the affidavit of the directors; and no dividends shall be paid to the stockholders, except only from and out of the surplus profits arising from the business of the said corporation.

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

Approved February 25, 1867.

CHAPTER LXIV.

An act to change the name of Stephen M. Hattribick, to that of Stephen M. Lutz.

Preamble. WHEREAS, Stephen M. Hattribick, of Elizabeth, in Union County, is desirous of having his name changed to Stephen M. Lutz, and no reason appearing to the contrary,

Stephen M.
Lutz, rights
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Stephen M. Hattribick, of the city of Elizabeth, of the county of Union, be and the same is hereby changed to Stephen M. Lutz, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Stephen M. Hattribick.

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

Approved February 25, 1867.

CHAPTER LXV.

Supplement to an act entitled "An act relating to the locations of Cemeteries within certain limits of the City of Paterson," passed March twenty-seventh, eighteen hundred and sixty-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, it shall not be lawful for any person or persons, incorporated company, religious or other society or associations to locate or establish, or cause to be established, any cemetery or burial ground, or to appropriate and use for burial purposes, any land not heretofore appropriated and used for the purpose of burying the dead, within the limits and boundaries of the city of Paterson. Not lawful to bury within city limits.

2. *And be it enacted*, That it shall not be lawful hereafter to use, for the purposes of burial, any cemetery or burial ground established within one year last past, situated within the limits and boundaries of the said city of Paterson. Grounds not to be used.

3. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

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

Approved, February 26, 1867.

CHAPTER LXVI.

An act entitled "An act for the Relief of Rachel Lard."

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 the sum of one hundred dollars

Treasurer
authorized
to pay one
hundred
dollars per
annum.

be paid by the Treasurer of this State to Rachel Lard, widow of Samuel Lard, of Cape May County, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to her semi-annually during her lifetime.

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

Approved, February 26, 1867.

CHAPTER LXVII.

A supplement to an act entitled "An act to incorporate the Trenton Hose Company, of Trenton," approved March eighteenth, eighteen hundred and fifty-two."

Number
may be in-
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of associates of the Trenton Hose Company be, and it is hereby increased to seventy-five.

Increase of
capital
authorized.

2. *And be it enacted*, That the capital stock of the said company may be increased to six thousand dollars, which shall be solely and exclusively applied in the manner provided in the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That all provisions of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved, February 26, 1867.

CHAPTER LXVIII.

An act to incorporate the Pequannock Peat and Manufacturing Company.

Names of
incorporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Inglis, John N. Terhune, James M. Smylie, Joseph Noble, John Inglis, Henry W. Merrill, George Denton, Samuel S. Sherwood and William H. Munson, and the survivors of them, and such other per-

sons as may be associated with them, and their successors, are hereby created a body politic and corporate in fact and in law, by the name of "The Pequanaek Peat and Manufacturing Company," and by that name shall have and enjoy all the powers, privileges and franchises incident or belonging to a corporation.

2. *And be it enacted*, That the whole amount of the capital stock of said company shall be three hundred thousand dollars, with privilege to increase the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and be transferable on the books of the company.

Amount of capital stock.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time or times, and at such place or places as they shall direct; and at the time of subscribing for said stock, such amount on each share shall be paid, satisfied or satisfactorily secured to be paid, as the said commissioners or a majority of them shall determine; and the residue of the subscriptions shall be paid, satisfied or secured as the directors may determine, in such instalments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time appoint and direct, giving notice of such time and place and person or persons by a notice published in the newspapers printed in the city of Paterson for two weeks, at least three times in each week; and upon the failure of any person to pay, satisfy or secure the payment of the instalments, or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company; and any shares of stock so forfeited as aforesaid, may be held by the said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company as said directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed; and any land or interest therein, property or materials used or to be used in the business of the said company may be received in payment or satisfaction of subscriptions for such stock, at such valuation as shall be approved by a majority of the above named cor-

Commissioners to open books of subscription.

porators; and said commissioners may reserve such portions of said capital stock as a majority may determine for the use of the company as working capital and to be sold by the directors as they shall see fit.

Election of
directors.

4. *And be it enacted*, That whenever thirty thousand dollars of the capital stock aforesaid shall have been subscribed, the commissioners, or a majority of them shall, as soon as they may deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, who shall hold their office for one year, and until others are duly elected; such election shall be made at the time and place so 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 directors chosen at such meeting or at the annual election of said corporation shall, as soon as conveniently may be, after every election, choose out of their own number a president, who shall hold his office for one year, and until his successor shall be duly appointed, and until the first election for directors shall be held as above; *provided*, the persons named in the first section of this act shall be the directors of said company, and shall hold their office until others are legally chosen; and in case of the death, resignation or incapacity of the president or any director, such vacancy may be filled by the remainder of the directors for the time being, or a majority of them.

Proviso.

May hold
real estate.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to establish and carry on the business of developing peat and other lands, and of producing and obtaining, manufacturing, transporting and vending peat, minerals and other products from the earth, and for that purpose to purchase, take, receive and hold in fee-simple, or any less estate, or interest in any lands situate in the counties of Morris and Passaic, and to mortgage, sell, convey and dispose of the same or any part thereof, or any interest therein, and to lay, keep and maintain drains through their lands, and other contiguous and adjacent lands, for the benefit of their said peat and other lands, and from time to time to deepen or change the same and to make, construct and maintain a wagon road, a railroad and canal, or either of them, from their said lands to the Morris Canal or the feeder thereof, or to any railroad that may be conveniently located in the aforesaid counties, for the trans-

portation of peat and other products, goods, wares and merchandise; to purchase, have, use and dispose of such machinery and personal property, and to do such other acts and things, and make all such improvements, buildings and erections as a successful prosecution of the business of the company may require.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers and others in their employ, to enter at all times upon lands, for the purpose of surveying and laying out the route of said roads and canal, and locating said drains, or any or either of them, and of subsequently altering the location thereof, and of deepening or changing the same, doing no unnecessary damage to private property, and when the location of any part thereof, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which such lands lie, the officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon the possession of, and hold, use, occupy and excavate any such lands, or such parts thereof, as may be necessary for the purposes aforesaid, and may erect embankments, viaducts, and all necessary works thereon, and may construct such wagon road and railroad, and excavate and construct such canal on and through the same, and may lay rails and do all other things suitable and necessary for the making, completion or repair of said roads and canal, or any or either of them; and may lay, make or repair, and from time to time deepen and alter said drains from their said peat lands, and may carry into full effect the object of this act; and may take and use any stone, gravel, sand, clay or other earth, on or near the said routes, which may be required for the construction of, repairing or altering the said roads, canal or drains, or any of them, or any of their works or appendages, first making compensation therefor, in the manner hereinafter provided.

May survey
and lay out
routes of
roads.

7. *And be it enacted*, That if the said roads, canal or drains, or any of them, shall go through or cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if, by reason of the legal incapacity, or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other

Proceed-
ings when
company
and owners
cannot
agree.

cause, no such agreement shall be made, a particular description of the lands or materials so required shall be given in writing under the oath or affirmation of some engineer or other agent or officer of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to a judge of the circuit court of the county where such land or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said roads, canal or drains, and assess the damages (if any) which may be occasioned by the laying and maintaining the same or any of them, upon such notice published or given to the person or persons or parties interested as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials, as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said roads and canal, or any of them, or, as the case may be, by the laying, constructing and maintaining said drains, or any of them, and which said assessments shall be paid by the said company to the party or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons; and which said report shall be in

writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the lands or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid, or tendered, or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, construct, maintain and repair the said drains for the purposes aforesaid; *Provided, always,* that should the owner or owners of any real estate, land or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be received than that awarded by the commissioners.

8. *And be it enacted,* That the board of directors shall have power to make and adopt a common seal for said corporation; to appoint from their own number or otherwise, a treasurer and secretary, and such other officers, clerks and agents as they may think necessary, and to fix their salaries or compensations; to borrow such sums of money as may seem to them advisable, for the purposes of said company, and to issue the bonds of said company therefor, not to exceed in amount two-thirds of the capital stock paid in, and secure the payment of the same by a mortgage or mortgages on the lands, estate and other property of said company, or any part thereof, and to make such by-laws not inconsistent with the provisions of this act, as they may think proper, regulating the issue and transfer of stock, and for the general government and management of the affairs of said company; and that the principal office of said company shall be in the city of Paterson.

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

Approved, February 26, 1867.

CHAPTER LXIX.

An act to validate and confirm certain agreements between the Companies owning the railroad lines between New York and Philadelphia.

Préambule.

WHEREAS, it is desirable that the Railroad lines between New York and Philadelphia, forming by their connection essentially one line, should be more closely united in interest and management, whereby great advantages would accrue to the public as well as to the stockholders; *and whereas*, the Delaware and Raritan Canal Company, and Camden and Amboy Railroad and Transportation Company, known as the joint companies, owners of one portion of said lines, and the New Jersey Railroad and Transportation Company owners of another portion thereof, have made or are about making an agreement for a consolidation of interests and an equality of dividends, therefore:

Agreement ratified and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said companies be and they

are hereby authorized to make such agreement for consolidation of interests, as they may deem proper and expedient; and that any such agreement or agreements heretofore made or hereafter to be made for the purposes aforesaid, by and between the said companies, or by and between them or any of them, and the Philadelphia and Trenton Railroad Company, be and the same are hereby validated, ratified and confirmed;

Proviso.

provided, that the transit duties and all other taxes and dues accruing to this state from any of said companies are not to be affected or diminished by anything herein contained; *and*

Proviso.

provided, further that no agreement to be made as aforesaid, shall be valid and binding unless assented to or ratified by at least two-thirds in interest of the stockholders of each of said

Proviso.

companies entering into the same; *and provided further*, that if any stockholder of either of said companies shall dissent from such agreement and shall within three months from the execution thereof give notice of such dissent in writing to the president or secretary of the said company in which he or she is a stockholder, and shall surrender his or her certificate of stock (if any certificate has been issued therefor) such stockholder shall receive from said companies the value of his or her stock as the same may be appraised

by three commissioners to be appointed for that purpose by the chancellor or supreme court of this state upon reasonable notice given or sent by mail to such dissenting stockholder wherever he or she may be; and upon tender of the amount of such appraisal to such stockholder his or her rights as a stockholder shall cease, and the said stock shall be deemed to be extinguished, and the said company may thereupon issue other stock to the same amount in lieu thereof.

2. *And be it enacted*, That when such agreement for consolidation is or shall be made, the said companies entering or having entered into the same shall be consolidated and united in interest according to the terms of such agreement or agreements, and shall be authorized to transact, manage and conduct the business, property and affairs of the said companies respectively as a joint concern, and by a joint board of directors, to be composed of the directors of the said several companies, a majority of which joint board shall form a quorum for the transaction of business; but the organization and election of directors of the several companies shall remain distinct, and the provisions of their respective charters, with all the restrictions and liabilities therein contained, except as necessarily modified by such consolidation shall continue in force; *provided however*, if the said consolidated companies shall find it expedient or convenient to transact their business under a single name or designation, the said joint board of directors shall be and they are hereby authorized, at any time, to adopt such corporate name or designation for the said consolidated or united interest as they shall see fit; and, upon filing in the office of the secretary of state, of this state, a certificate of said joint board under the corporate seals of the said several consolidated companies, stating and showing the corporate name so adopted by them, the said consolidated interest shall thenceforth be called and known by such corporate name, and by such name shall be a corporation capable of suing and being sued, pleading and being impleaded, and shall have a common seal, and be invested with all the usual powers appertaining to corporate bodies, including the several powers of the said companies respectively, not inconsistent herewith, and the said joint board of directors shall have power to make all necessary rules and regulations for the transaction of business and concerns of the said consolidated companies, and each of them, and the said companies shall have

Interest
when con-
solidated.

Proviso.

Proviso.

the right to run, and maintain all the ferries now run and maintained by the New Jersey Railroad and Transportation Company, and such other ferries as the said joint companies shall find necessary to establish, run, and maintain for the convenient transaction of their business; *provided*, that nothing herein contained or authorized shall be deemed or construed as an extinguishment or dissolution of the several corporations composing the said consolidated interest; *and provided*, that the exclusive privileges of any of the said companies limited by the act entitled "A further supplement to the act, entitled 'An act relative to the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies,'" approved March sixteenth, A. D. eighteen hundred and fifty-four, shall not be extended by this act.

Capital stock of company may be increased.

3. *And be it enacted*, That in order to enable said companies to carry out their proposed agreement for consolidation and that there may be a uniformity in the stocks of the several companies before mentioned, the said New Jersey Railroad and Transportation Company shall be and hereby are authorized to increase their capital stock to the sum of six millions two hundred and fifty thousand dollars, and to divide the same into shares of one hundred dollars each, instead of the present division of fifty dollars each, and for that purpose to call in their present certificates of stock, and to issue new certificates for one-half the number of shares thereof, and make such equitable provision as they may deem expedient for the fractional shares which may ensue from such change in the par value of the said shares.

4. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately,
Approved February 27, 1867.

CHAPTER LXX.

An act to establish Normal School Boarding Houses.

Trustees empowered to purchase and take title in the name of the state.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the trustees of the State Normal School be, and they hereby are, authorized to purchase and take title for, in the name of the state, all those certain

lands and buildings in the city of Trenton, used and intended for boarding houses, bounded on the north by Model avenue, on the west by Clinton street, on the south by land of Charles N. Chevrier, and on the east by land of Samuel T. Forman; said lands and buildings to be held and used for the purposes of the school, under the charge of said trustees.

2. *And be it enacted*, That said trustees be, and they hereby are, authorized to pay for said lands and buildings with any surplus moneys received from the Model school and the boarding houses, and that until each payment can be made the president of the board of said trustees shall and may execute by his name of office, and the seal of said trustees, a bond or bonds, secured by mortgage or mortgages, executed in like manner upon said lands and buildings conditioned for the payment of said purchase money, and any and all loans made on account thereof, and the interest thereon, which bond and bonds, mortgage and mortgages, shall be liens upon said lands and buildings, in all respects as if the mortgaged premises were held by individuals and not by the state, and if such loans are secured at a rate of interest not exceeding six per cent per annum, all such bonds and mortgages upon said lands and buildings shall be exempt from taxation in the hands of the holders thereof.

Authorized
to pay for
lands &c..
out of sur-
plus money

President to
issue bonds

3. *And be it enacted*, That said trustees shall and may from time to time, as the same shall be needed, build and make additions and improvements to said buildings, furnish the same, and pay and secure the cost thereof, as is provided in the last preceding section.

Additions
&c. author-
ized.

4. *And be it enacted*, That said trustees be, and they hereby are, authorized to erect and furnish upon any land belonging to the state, attached to said schools, on the westerly side of Clinton street, a suitable building for boarding young men and boys attending said schools, the cost of which shall be paid and secured by bond or bonds, and mortgage or mortgages, on the said land in the same manner as is provided in the second section of this act.

Trustees
empowered
to build on
lands be-
longing to
the state.

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

Approved, February 27, 1867.

CHAPTER LXXI.

An act to incorporate the Farmers' Marl Company of New Jersey.

Names of
incorporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew K. Hay, John Gill, junior, David Roe, Benjamin Heritage, G. D. Horner, R. J. Byrnes, Henry Simons, William C. Milligan, and J. W. Nicholson, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of "The Farmers' Marl Company of New Jersey."

Amount of
capital
stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of ten dollars each, to be deemed personal property, and which shall be transferable only on the books of this corporation.

Commissioners to
receive subscrip-
tions to capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them who serve, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they or a majority of them shall think proper, and at the time of subscribing for said stock, ten per centum on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such instalments, and at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulating in the counties of Camden, Gloucester, or Atlantic; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the said company; and whenever ten thousand dollars of the capital stock aforesaid, shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice of a meeting of the stockholders at such time and place as they may designate, to choose five directors, a majority of whom shall be residents of this state, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place ap-

pointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the then current year, by the said board of directors.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be, and they are hereby authorized to purchase, take, have, hold, occupy, and convey such and so many marl beds as they may deem proper, situate in the county of Camden, and to open and work the same, and to transport the marl taken therefrom, and lime and other fertilizers from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and to build, hold, and use the railroads hereinafter mentioned, and the lands necessary therefor; and to lay open, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said marl beds, in the manner hereinafter mentioned.

5. *And be it enacted*, That the directors of said company are invested with full power to lay out and construct a railroad or railroads in the county of Camden, to run from the Camden and Atlantic Railroad to the marl beds of Benjamin Heritage, to connect said marl beds by railroad with the Camden and Atlantic railroad, at any place or places said company or directors may select, to construct said railroads with as many tracks as may be deemed proper, and to run engines and cars on said roads, for the transportation of persons, and of said marl and fertilizers, and of such other kind of property as they may deem expedient; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and property as they may from time to time think reasonable; the land to be taken for each of said roads not to exceed one hundred feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained in good repair, so as not unnecessarily to impede the travel, or interfere with the public convenience.

6. *And be it enacted*, That it shall be lawful for the said

May enter
upon lands
for the pur-
pose of
making
surveys, &c.

company, their officers, agents, engineers, superintendents and others in their employ, to enter at all times upon lands, for the purpose of surveying and laying out the route of the said railroad, and locating said drains, or any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property, and when any part of the location of such roads or drains, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which such lands lie, the officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon the possession of, and hold, use, occupy and excavate any such lands or such parts thereof as may be necessary for the purposes aforesaid, and may erect embankments, viaducts, and all necessary works thereon, and may lay rails and do all other things which may be suitable and necessary, for the making, completion or repair of said railroads, or any of them; and may lay, make or repair said drains from their said marl beds, and may carry into full effect the objects of this act; and may take and use any stone, gravel, sand, clay or other earth on or near the said route, which may be required for the construction of, repairing or altering the said railroads or drains, or any of them, or any of their works or appendages, first making compensation therefor in the manner hereinafter provided.

Proceed-
ings when
company
and owners
cannot
agree.

7. *And be it enacted*, That if the said railroads or drains, or any of them, shall cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if, by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made, a particular description of the land or materials so required, shall be given, in writing, under the oath or affirmation of some engineer or other agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one the judges of the circuit court of the county where such lands or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in

the state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service of the publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroads, and assess the charges which will be occasioned thereby, or which may be occasioned, as the case may be, by the laying and maintaining said drains or any of them, upon such notice given to the person or persons interested, as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge, in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials, as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages which will be occasioned by laying and maintaining said railroads, or any of them; or as the case may be, to make an assessment of the damages which will be occasioned by the laying and maintaining said drains, or any of them, and which said assessments shall be paid by the said company, and which said report shall be in writing, under the hands and seals of the said commissioners, or a majority of them, and filed with the aforesaid description of the land or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid, or tendered, or deposited, in said clerk's office), at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, maintain and repair the said drains.

8. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time to borrow such sums of money, not to exceed two-thirds of the paid up capital

May borrow money.

stock, for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroads and other property of said company, and that their principal office shall be in the county of Camden.

Former act
repealed.

9. *And be it enacted*, That "An act to incorporate the Farmer's Marl Company of New Jersey," approved March twenty-ninth, eighteen hundred and sixty-six, is hereby repealed.

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

Approved, February 27, 1867.

CHAPTER LXXII.

An act to incorporate "The St. Mary's Roman Catholic Total Abstinence Benevolent Society of Hoboken."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Burke, Peter McDermott, Martin Funchion, Patrick Hayes, and Peter Kerrigan, and such other persons as may become associated with them and their successors, be and they are hereby constituted and declared to be a body corporate and politic in fact and in law, by the name, style and title of "The St. Mary's Roman Catholic Total Abstinence Benevolent Society of Hoboken," and by that name they and their successors shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature in this state, and they and their successors respectively may have and use a common seal, and alter and renew the same at pleasure, and under their common seal make, enter into and execute any and all contracts and agreements touching the objects and purposes of the said corporation, and the said corporation shall, and may at all times hereafter be capable in law of having, purchasing, holding, possessing and receiving any lands, tenements and hereditaments and personal estate, and the same or any part thereof, to sell, mortgage or dispose of at pleasure; *provided*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the annual sum of five thousand dollars.

Proviso.

2. *And be it enacted*, That the objects and purposes of the said corporation hereby created, shall be for the promotion and encouragement of such benevolent objects and purposes as the said society may from time to time deem best and advisable.

3. *And be it enacted*, That the said society shall have power and authority to make, ordain and establish such constitution, by-laws, rules and regulations as they or a majority of them shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said society, and the election of the same; for prescribing their several functions, and the rights, duties and privileges of the several members of the same, and for the transacting, managing and conducting the affairs of the said society, and its property and effects; *provided*, such constitution, by-laws, rules and regulations shall not be repugnant to the constitution and laws of the State or of the United States.

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

Approved, February 28, 1867.

CHAPTER LXXIII.

A supplement to an act entitled "An act to provide for a more easy mode of proving surveys of lands in this State, and for other purposes," passed February twenty-seventh, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death, absence, or other disability of the surveyor-general of either division of the State of New Jersey, that the register of the board of proprietors of either division aforesaid, shall be duly authorized to certify copies of all surveys and other writings of record of either division of this state, and such copies so certified, shall be esteemed and taken for true copies thereof, and as such may be read in evidence in any court of law or equity in this state where the same would be admissible if proved to be true copies according to the existing law of evidence, any law, usage or custom, to the contrary notwithstanding.

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

Approved, February 28, 1867.

CHAPTER LXXIV.

A supplement to an act entitled "An act to create from part of the Town of Orange, in the County of Essex, a new Township," to be called the Township of East Orange," approved March fourth, eighteen hundred and sixty-three.

Provisions
extended to
township of
East Orange

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of the act entitled "A supplement to an act concerning roads," approved March twenty-three, eighteen hundred and fifty-nine, shall extend to and be in force in the township of East Orange, in the county of Essex.

Road to be
graded and
worked at
the expense
of owners of
land over
which the
same is laid
out.

2. *And be it enacted*, That whenever any public road shall be laid out or altered by any authority whatever, in the said township of East Orange, the same shall be graded, worked, and put in order for the accommodation of the travelling public, and the sidewalks thereof properly defined and graded, by and at the expense of the owners of the land over which said road shall be so laid out; and in case the land owners shall neglect to work, grade, and put in order such road, with its sidewalks as aforesaid, the township committee may direct the overseer of the highways, and it shall thereupon be his duty to notify the said owners so to work, grade and put in order the same, in manner aforesaid, under the supervision of him, the said overseer; and in case the said owners shall still so neglect for the space of sixty days to begin said work or shall fail to complete the same within six months after such notification, then said overseer may proceed to work the same, and the expense thereof shall be assessed upon said lands over which said road is laid, as nearly as may be in proportion to the benefits respectively received by the several owners thereof, which assessment shall be made by the township committee or a majority thereof, and the amount so assessed shall be collected in the same manner

and at the same time with the township taxes; and until such new road shall be graded and put in order in manner aforesaid, the township committee and overseer shall not be obliged to appropriate the funds of the township to working the same; the township committee shall determine by a vote of a majority of its members, when the said road has been so worked, and shall cause notice thereof to be served upon the overseer of the highways by their clerk.

3. *And be it enacted*, That the township committee shall have power to expend in constructing and grading sidewalks in said township, a sum not exceeding one-fourth the whole amount voted by the annual meeting to be raised for the repair of highways in said township. What may be expended by township committee.

4. *And be it enacted*, That the township committee be and they are hereby authorized to appoint three suitable and disinterested persons, two at least of whom shall be residents of the said township of East Orange, who shall have power and authority, by virtue of this act, to ascertain, define and establish the lines of all or any of the streets of said township or of so much of the same as may have become uncertain; and said commissioners are hereby authorized to designate such lines, so defined by them, by putting down some suitable and notable marks or monuments, and by making a map or survey thereof, showing such lines or so much thereof, as they may from time to time ascertain and define; which map or survey, being signed by said commissioners, or a majority of them, shall be filed in the office of the clerk of said township and recorded in the office of the clerk of the county in which said township is located, and shall be competent evidence in all courts and places to show where such line actually is; the said commissioners shall, before entering upon their duties, take and subscribe an oath or affirmation faithfully and impartially to execute said duties according to the best of their ability and understanding. Map and survey to be made and filed.

5. *And be it enacted*, That the township committee shall have power to pass by a majority of their number such ordinances, by-laws and regulations as they may judge proper to direct and regulate the planting, rearing and trimming of shade and ornamental trees, and to abate and remove all nuisances in the streets and public places of said township of East Orange. By-laws &c.

6. *And be it enacted*, That the time for holding the annual town meeting in said township of East Orange, shall Time of holding meeting.

hereafter be the second Tuesday in March, in each and every year.

Repealer

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, so far as the same apply to the said township of East Orange; and this act shall be deemed a public act and shall take effect immediately.

Approved, February 28, 1867.

CHAPTER LXXV.

A supplement to the act entitled "An act to provide for raising moneys heretofore expended in procuring volunteers and substitutes, and for commutation money, and to raise money to pay bounties for volunteers hereafter to be called, in the township of Frelinghuysen, in the county of Warren," approved March first, eighteen hundred and sixty-five.

Part of
original act
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of the act to which this is a supplement as enacts that when collected, in the manner prescribed in said act, "the sum of one hundred and fifty dollars shall be paid to Jacob Smith, and the further sum of one hundred and fifty dollars to John Howell, and the further sum of one hundred and fifty dollars to John W. Pierson, and the further sum of one hundred and fifty dollars to Marshal R. Smith, and the further sum of one hundred and fifty dollars to Jacob Mingle, and the further sum of one hundred and fifty dollars to Charles H. Smith, for substitutes paid by them," be, and the same is hereby repealed.

Original act
how con-
strued.

2. *And be it enacted*, That no part of the said act to which this is a supplement, shall be held or construed to authorize any person or persons to claim or recover from the said township of Frelinghuysen for any moneys advanced and paid to volunteers and substitutes, or for commutation, under the calls for the same made by the governor of this state, except such moneys as may have been so advanced and paid in pursuance of some resolution passed by the inhabitants of said township in town meeting assembled for that

purpose, authorizing, sanctioning, or assuming such payment.

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

Approved March 4, 1867.

CHAPTER LXXVI.

An act to authorize the erection of a House of Detention in the township of Maurice River, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the said township of Maurice River be, and they are hereby empowered to erect in such place in said township as to them seems advisable, a suitable building to be used as a House of Detention, into which may be committed, by any of the constables or other proper authorities of said township, and safely kept, any and all persons arrested for offending within the limits of said township, against the laws of this state, until the offence can be heard, and duly investigated by a magistrate, and such offender be further dealt with as the law directs.

Township committee empowered to erect building.

2. *And be it enacted*, That the amount of money necessary for the erection of such House of Detention, shall be raised by assessment upon the inhabitants and taxable property of said township at such time and in such manner as other moneys are raised for township purposes.

Cost of building to be raised by tax.

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

Approved, March 4, 1867.

CHAPTER LXXVII.

A supplement to the act entitled "An act to incorporate the Cedar Cliff Cemetery Company," approved March twenty-eighth, anno domini, eighteen hundred and sixty-five:

Name
changed to
Cedar Lawn
Cemetery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of said cemetery be and the same is hereby changed to the Cedar Lawn Cemetery, and by that name the said company shall possess all the powers, privileges, and purchases of the said Cedar Cliff Cemetery Company, and be subject to all the duties, liabilities and obligations of said Cedar Cliff Cemetery Company.

Number of
directors
may be in-
creased.

2. *And be it enacted*, That the number of directors of said company to be appointed by the stockholders may be increased to nine in number.

Approved March 4, 1867.

CHAPTER LXXVIII.

An act to incorporate the Wynockie Mining and Manufacturing Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David B. Beam, Thomas D. Hoxsey, Samuel Pope, Thomas F. Hoxsey, and Garret Smith, and their successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Wynockie Mining and Manufacturing Company," for the purpose of mining and manufacturing and smelting ores, and buying and selling property of every kind or description required by the business authorized by this act, with the power to lease, mortgage, or otherwise dispose of the same or any part thereof.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares [of] one hundred dollars each, which shall be deemed personal property, and it shall be lawful for said company to issue certificates in whole or in part

payments for any real or personal estate, purchased or leased by said company for the purpose of their business aforesaid.

3. *And be it enacted*, That the property and affairs of their company shall be managed by a board of directors of Duties of directors not less than five nor more than seven stockholders, as the by-laws of said company shall prescribe, and the said board shall organize by appointing one of their number president, and also by appointing a secretary, and such other subordinate officers as they may deem necessary and proper.

4. *And be it enacted*, That the said company may carry on its business of mining, smelting and manufacturing ores into merchantable materials, and carrying on the business Business of the company. thereto, including therein the manufacture and preparation of peat in the counties of Passaic and Bergen, at the discretion of the directors, and that the amount of capital stock may be increased from time to time by order of the board of directors, but shall at no time exceed the sum of three hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall appoint, and that the directors and the president shall hold their respective offices for one year, and until others are legally appointed in their stead.

5. *And be it enacted*, That the election of directors shall Election of directors. be held at such place in the county of Passaic, as the board of directors or their by-laws shall from time to time designate, that the first board of directors shall hold their office until the first day of January, anno domini eighteen hundred and sixty-eight, or until others shall be chosen in their stead, and that David B. Beam, Thomas D. Hoxsey, Samuel Pope, and Thomas Franklin Hoxsey, and Garret Smith shall be the first directors of said company.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital Commissioners to receive subscriptions. stock at such times and places in the county of Passaic as a majority of them shall appoint, giving ten days' previous notice to that effect, in one or more of the newspapers published in said county, and when one hundred shares of said capital stock shall have been subscribed for, and ten dollars on each share shall have been paid to said commissioners, they shall call a meeting of the subscribers of said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president of said company

all moneys, books and papers in their hands as such commissioners.

7. *And be it enacted*, That a majority of the board of said directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for in such amounts, and at such times as they may direct, giving to each subscriber twenty days' notice thereof, either or personally, or by publication of such notice for ten days in some one or more newspapers published in said county of Passaic, and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

8. *And be it enacted*, That this act shall continue in force for thirty years, and shall take effect immediately.
Approved, March 4, 1867.

CHAPTER LXXIX.

An act to incorporate the Passaic Boat Club of Newark, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. H. Beebee, Elias B. Vanderveer, Edward C. Dillingham, Edward N. Crane, David S. Cromwell, and such other persons as now are, or may hereafter be connected with them, are hereby constituted a body corporate, by the name of "The Passaic Boat Club of Newark, in the county of Essex," for the purpose of engaging in and promoting the healthful and manly exercise of rowing.

2. *And be it enacted*, That the said corporation shall be capable in law to hold, by donation, purchase or otherwise, and also to lease and convey, from time to time, real and personal estate, so far as the same may be needed for the purpose of carrying out the objects for which the said association is incorporated.

3. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution, by-laws and regulations for the admission, suspension and expulsion of

its members, and their government, the election of its officers, and to define their duties, and from time to time may alter or repeal the same; and, in their corporate name, may institute suits for the recovery of all fines, debts, fees, dues and arrearages due the said corporation.

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

Approved, March 4, 1867.

CHAPTER LXXX.

An act to improve Park Avenue in Union Township, Bergen County.

WHEREAS, the surveyors of highways of the county of Bergen, did on the twentieth day of September, eighteen hundred and sixty-six, in pursuance of the laws of this state, lay out a public road sixty-six feet wide, called Park Avenue, in the township of Union, in said county, and did also order that the said road should be opened on the first day of November, anno domini eighteen hundred and sixty-six; *and whereas*, said avenue when regulated and graded will be of great use and value to the inhabitants of said township, but more particularly to those persons who own the lands lying upon either side of the same, therefore, to cause said objects to be accomplished, Preamble.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert W. Rutherford, Henry T. Moore, James S. Watson, William I. Stewart, and Daniel Van Winkle, or a majority of them be hereby appointed commissioners to cause said Park Avenue to be regulated and graded throughout its whole length and width, provided they first secure the consent in writing of the owners of a majority of the frontage on the said avenue, from a point near the house of said James S. Watson to the depot of the Erie railroad, at Boiling Spring, so as to conform to a profile made by F. I. Mallory, surveyor, which said profile is to be first filed in the office of the clerk of the county of Bergen. Names of commissioners.

2. *And be it enacted*, That before entering upon the duties hereinafter specified the said commissioners or a majority of them, shall take and subscribe an oath or affirmation, before Provide.

Oath or
affirmation
to be made.

some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them, and that they are not and will not become interested directly or indirectly in any contract to be given out by them, after which it shall be lawful for said commissioners to advertise for not less than ten days in at least one newspaper published in Jersey City, Newark and Paterson, for proposals, and may thereafter open said proposals, for the doing of said work, and let the same to the person or persons who offer to do it for the least sum of money; *provided*, said work shall not be let without security from the contractor in such sums as the commissioners may require, not less however than one-third the price for doing said work; *Provided*, the whole cost of said work shall not exceed the sum of six thousand dollars, and said commissioners may, if they deem it to be to the interest of the property owners along said avenue, reject all of the offers and re-advertise as above, said commissioners are hereby empowered to employ some competent surveyor to perform the services required of him, at such compensation as they may determine.

Proviso.

Proviso.

Certificates
may be
issued in
payment for
work.

3. *And be it enacted*, That said commissioners may, on a certificate of the surveyor of the amount of work done, issue to the contractor a certificate or certificates in sums of not less than five hundred dollars as the work progresses, and on the completion of the work for the balance due and a like certificate to the surveyor in payment for expenses incurred, which certificates shall draw interest at the rate of seven per cent. per annum until paid; and such certificates shall be receivable in payment for any assessment laid by said commissioners as shall be hereinafter provided.

Maps to be
made.

4. *And be it enacted*, That after the work of regulating and grading said avenue shall be completed, the said commissioners shall cause two maps to be made of all the lands fronting on said avenue, designating each parcel by numbers and showing the owners' or reputed owners' names on said map, and the lineal feet which each parcel shall front on either side of said avenue, and they shall lay down on said maps a statement of the cost of such improvement, and make a schedule, showing an equal division of the costs and charges of such improvement, to each parcel of land pro rata in the proportion which the whole cost bears to the total lineal frontage on said avenue, the interest upon the certificates issued to be computed up to a period sixty days after the making of said maps; and said commissioners shall thereby lay an

assessment on said lands as aforesaid, and certify to the same on said map by their hands, and cause one copy of said map with their qualification to be filed of record in the county clerk's office of the county of Bergen, and place the other copy in the hands of the collector of taxes, for the time being, of said township of Union, which assessment shall be a lien on the lands upon which the same is laid from the time of filing said map and certificate in said clerk's office; and it shall be the duty of the collector to collect said assessment within sixty days from the time of laying the same, in the same manner which township taxes are collected, and to pay the same over to the holders of any certificate or certificates of said commissioners in sums of fifty dollars or upwards as the same shall come into his hands, indorsing such payments upon such certificates, and the said collector shall proceed in all things as by the laws of this state, township collectors are bound to proceed, where not otherwise herein specified, and shall be liable to the same pains and penalties prescribed in sundry cases.

5. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessment laid thereon within sixty days from the time of laying the same, then the collector shall return the same in the same manner, and all subsequent proceedings, including the sale of the lands so assessed, shall be the same as though they were to be had for unpaid taxes, and the moneys made by virtue of the sale of lands or chattels shall be applied in payment of the certificates issued by the commissioners, with interest as above, and the lawful costs of said proceedings.

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

Approved March 4, 1867.

CHAPTER LXXXI.

A further supplement to an act entitled "An act to authorize the Board of Chosen Freeholders of the county of Union to borrow money, and to issue bonds therefor," approved March fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That so much of the further supple-

Part of supplemental act of 1865 repealed.

And part of supplemental act of 1864 revived.

ment of the said act, which said supplement was approved February twenty-six, eighteen hundred and sixty-six, and is entitled "A further supplement to an act entitled 'An act to authorize the Board of Chosen Freeholders of the county of Union to borrow money and to issue bonds therefor, approved March fourth, eighteen hundred and sixty-four,' " as repeals that part of the first section of the supplement approved April sixth, eighteen hundred and sixty-five, entitled "A supplement to an act entitled 'An act to authorize the Board of Chosen Freeholders of the county of Union to borrow money and to issue their bonds therefor, approved March fourth eighteen hundred and sixty-four,'" which declares that all bonds therefor issued by the said Board of Chosen Freeholders for the purposes mentioned in the said original act should be and were thereby declared to be valid in law against the said corporation, the same as if they had been issued by the authority of the said original act, be, and the same is hereby repealed, and that so much of the said first section herein particularly referred to, be and the same is hereby revived and re-enacted, the same as if the repealer referred to had never been passed.

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

Approved, March 4, 1867.

CHAPTER LXXXII.

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

Company authorized to issue bonds not to exceed one hundred dollars per month.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the president and directors of the said company are hereby authorized and empowered for the purpose of enabling them to defray the costs and expenses that may be incurred in the execution and completion of their said works, to issue in the corporate name and under the corporate seal of the said company, the bonds or obligations of the said company to an amount not exceeding in the whole one hundred thousand dollars, bearing an interest not exceeding seven per centum per annum, payable half yearly,

each of which said bonds or obligations shall be signed by their president and countersigned by their treasurer, and may be issued either with or without coupons or certificates of interest, due at the end of every six months, thereunto attached, and the said president and directors are hereby empowered to sell, dispose of, and negotiate the said bonds or obligations, at such times as the proceeds thereof may be required for the purpose of executing and completing their said works, for such prices, on such terms and in such manner as they may deem proper, and to secure the payment of the said bonds or obligations, the said president and directors may, if deemed by them to be necessary, by a vote of the stockholders of the said company, at a meeting called for that purpose (the vote of a majority in value of the said stock being sufficient for the purpose) mortgage the property of the said company, or any part thereof, and their rights and franchises, by deed duly executed by their president under their corporate seal, to trustees therein named; in trust for the holders of the bonds of the said company, issued, or which may be issued from time to time, not exceeding in amount the sum herein above mentioned.

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

Approved; March 4, 1867.

CHAPTER LXXXIII.

A supplement to the act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook," revision 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 from any judgment, order or direction of the said commissioners of pilotage affecting said pilots or any of them, an appeal may be taken to the governor of said state for the time being, who may affirm, reverse or modify said judgment, order or direction; *Provided*, such appeal shall be in writing, signed by a majority of the pilots, and delivered to the governor within twenty days

Governor to
determine
in case of
appeal.

after such judgment, order or direction shall be fairly promulgated by said commissioners of pilotage, which appeal shall state the judgment, order or direction complained of and the grounds of the appeal, a copy whereof shall be served upon the secretary of the board of commissioners.

Superseded-
as.

2. *And be it enacted*, That the filing of said appeal shall operate as a supersedeas to such judgment, order or direction, until its final determination by the governor.

Stationing
of pilot
boats.

3. *And be it enacted*, That it shall be lawful for "the New Jersey and Sandy Hook Pilots," to make an arrangement with the New York pilots to regulate the stationing of pilot boats for the purpose of receiving pilots from outward bound vessels.

Number of
apprentices
reduced.

4. *And be it enacted*, That to each and every boat in the pilot service to and from Sandy Hook there shall be one apprentice instead of two, as provided in the eighteenth section of the act to which this is a supplement, and that every apprentice shall serve at least one year as a boat keeper before he shall be licensed as a deputy pilot.

Repealer.

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

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

Approved, March 5, 1867.

CHAPTER LXXXIV.

A supplement to the act entitled "An act to ascertain by proper proof the citizens who shall be entitled to the rights of suffrage," approved April fourth eighteen hundred and sixty-six.

Duties of
inspectors
of registry
and elec-
tions at
township
elections.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That at all elections for city, borough and township officers, where by law such elections are held by ballot, the inspectors of registry and elections chosen at the then last preceding annual November election, in the various election districts, and such persons as may be properly appointed to fill vacancies in their number, shall preside at and hold such elections in their respective districts, sub-

ject to the regulations and provisions by law prescribed for such elections; and for that purpose they shall possess all the powers and be subject to all the liabilities of inspectors of registry and elections acting at the general annual elections; *Provided*, that whenever a township has been divided into more than one election district under the provisions of the act to which this is a supplement, in that case, the duties above prescribed shall be performed by the inspectors of registry and elections of the district in which the town meeting is held. Proviso.

2. *And be it enacted*, That hereafter at all elections for charter officers in the several cities, boroughs, and incorporated towns of this state, where the same are held at a different time from the general November elections, the inspectors of registry and elections for the several election districts thereof, shall not be required to make a new register, but they shall, on the Thursday of the week preceding the day on which the election is to be held, proceed to revise, correct and complete, in the manner prescribed by the act to which this is a supplement, the register of elections made and perfected for these districts for the general November elections immediately preceding; *Provided*, that the said inspectors of registry and election shall, at least four days prior to the above mentioned Thursday, give notice by setting up posters in at least four of the most public places in said election district, that they will hold such meeting for the purpose of revising and correcting said registry of elections; *And further provided*, that in incorporated cities or towns where the charter or town elections are held in the month of April, the board of registry shall publish such notice as above provided in a newspaper printed and published or circulated in said city or town at least two weeks prior to said Thursday, and continue the publication of the same until such day, at least once in each week, and give a similar notice by posters or hand-bills; and the said register so revised, corrected and completed, shall on the day following its completion as aforesaid, be filed and posted in the manner prescribed in regard to the register as originally made by the second section of the act to which this is a supplement, and shall be used as the register of elections for the district, for the city, borough and town elections aforesaid; and the provisions of the act to which this is a supplement shall in all other respects, as far as the same are applicable, apply to the said last mentioned registers in like In incorporated cities need not make new registry.

Proviso.

Proviso.

manner as to the registry made and perfected for the general November elections.

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

Approved March 5, 1867.

CHAPTER LXXXV.

A supplement to an act entitled "An act to authorize the City Council of the City of Camden to raise by loan a sum not exceeding twenty thousand dollars, for the purpose of erecting and furnishing a new school house in the Middle Ward of said City of Camden," approved March thirteenth, anno domini eighteen hundred and sixty-six.

City council
authorized
to raise ad-
ditional
sum of
money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Camden, be and are hereby authorized and directed to raise an additional sum of ten thousand dollars, and to secure the payment thereof in the same manner as the bonds before directed to be issued, and the said bonds shall be used for the sole and exclusive purpose mentioned in the first section of the act to which this is a supplement.

Rate of
interest.

2. *And be it enacted*, That the bonds provided to be issued by this and the act to which this is a supplement shall bear interest at the rate of seven per centum on the dollar per annum, and all the said bonds shall be exempt from taxation for county and city purposes.

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

Approved, March 5, 1867.

CHAPTER LXXXVI.

An act to incorporate the Ransome's Patent Stone Company of New Jersey.

WHEREAS, George S. Norris, Charles H. Higginson, John F. Houdayer, Samuel Prior, Gregory A. Perdicaris, Samuel K. Wilson, David Naar, and others, under and by virtue of an act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, have associated themselves into a company under the name of "The Ransome's Patent Stone Company of New Jersey;" and whereas, for the better carrying out the objects for which said company was organized, the said company are desirous of procuring a special charter and act of incorporation; now, therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That George S. Norris, Charles H. Higginson, John F. Houdayer, Samuel Prior, Gregory A. Perdicaris, Samuel K. Wilson, Simon Donau, David Naar, Charles Moore, Amos Robins, Philemon Dickinson, William G. Cook, Harry McCall, and Thomas J. Stryker, and their associates, heretofore known as "The Ransome's Patent Stone Company of New Jersey," and their successors, and all other persons who shall become stockholders in the corporation hereby created, and their successors and assigns, be and they are hereby made and constituted a body politic and corporate in law, by the name of "The Ransome's Patent Stone Company of New Jersey," for the purpose of manufacturing Ransome's patent concrete stone, from sand and other earths and chemicals, and for the transaction of such business as may be necessarily connected therewith.

2. And be it enacted, That the said corporation may purchase, use, hold possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, within the state of New Jersey, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at their pleasure, and may make such by-laws, for their regulation and government as they may see proper; *Provided*,

Preamble.

Names of
corporatorsMay purchase and
hold real
estate.

Provido.

the same are not inconsistent with the constitution or laws of the United States or of this state.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be fifty-thousand dollars, divided into shares of one hundred dollars each, and that the stock already subscribed and paid for shall be deemed and taken as part of said capital stock of fifty thousand dollars; and that the shares of said company's stock shall be deemed personal property, and shall be transferable in such manner as the said corporation shall direct.

Election of
directors.

4. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than ten directors, one of whom the said directors shall appoint their president; and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, David Naar, Samuel K. Wilson, John F. Houdayer, Samuel Prior, and Charles H. Higginson, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case any vacancy shall occur in the board of directors by death, resignation, or failure of the stockholders to elect the full number 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.

Names of
first direc-
tors.

Corporation
not to be
dissolved
by failure to
elect.

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

Annual
statement
to be made.

6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all

assets and property belonging to said corporation as nearly as the same can be ascertained.

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

8. *And be it enacted*, That the said corporation may from time to time hereafter increase the said capital to any sum not exceeding one hundred thousand dollars, giving ten days' notice of their intention to do so in two of the newspapers printed in the city of Trenton. Capital stock may be increased.

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

10. *And be it enacted*, That this act shall take effect as soon as the said "The Ransome's Patent Stone Company of New Jersey," at a meeting of the stockholders called for that purpose, shall, by a resolution, signify their acceptance thereof as the charter of said corporation, and thereupon all the property and estate, both real and personal, then belonging to the said company, shall vest in and become the property of the corporation hereby created; and that this act shall continue in force for twenty-five years; *Provided*, that nothing in this act contained shall be construed to alter or impair the rights, liabilities and contracts of the said company under its present organization; and that the corporation hereby created shall possess the general powers, and be subject to the restrictions, provisions, duties, limitations and obligations set forth in an act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, and the supplements to said act, so far as the same are applicable. When to take effect. Proviso.

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

Approved March 5, 1867.

CHAPTER LXXXVII.

An act to create from part of the Township of Hamilton, in the County of Atlantic, a new township to be called the Township of Buena Vista.

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 Hamilton contained within the following bounds, to wit: Beginning at a corner common to the counties of Gloucester and Atlantic, in the Cumberland County line, and running thence in the line of said Atlantic County northeastward to a corner of the incorporated town of Hammonton, in the middle of a road laid down and marked on the maps of the late Weymouth farm and Agricultural Company's land and called third road; thence along the middle of said third road, as laid down on said maps, southeastwardly to a point in the middle of Seventh street, at the intersection of said third road with said Seventh street; thence along the middle of said Seventh street southwestwardly on the course of said Seventh street, extended until it intersects the west line of a re-survey made to the West New Jersey Society for seventy-eight thousand and sixty acres; thence along said west line of said re-survey, south about ten degrees east until it intersects the north line of Weymouth township; thence along the north line of said Weymouth township westwardly to the east line of Cumberland County; thence northwestwardly along said Cumberland County line to the place of beginning.

Corporate
name.

2. *And be it enacted*, That the inhabitants of the township of Buena Vista 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 Buena Vista, in the County of Atlantic," and shall be entitled to all the rights, powers, authority and privileges, and subject to the same laws, regulations, governments and liabilities as the inhabitants of the other townships of the said county of Atlan-

tic are or may be entitled or subject to by the existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Buena Vista shall hold their first annual town meeting at the inn of William Veal in said township, on the day appointed by law for holding the annual town meetings in the other townships in the county of Atlantic, and afterwards at such place in the said township of Buena Vista, as the inhabitants thereof shall determine.

First annual meeting, where held.

4. *And be it enacted*, That the supplement to the act entitled "An act to authorize the inhabitants of the township of Galloway, Atlantic county, to vote by ballot at their town meeting," approved February 29, 1860, be extended to the township of Buena Vista.

Township to vote by ballot.

5. *And be it enacted*, That the inhabitants of said township of Buena Vista shall elect, at their first annual town meeting, such officers as are authorized by law to be chosen in the other townships of the county of Atlantic, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the repairing of the roads, for the support of the poor, and for such other purposes as may be authorized by law.

Election of township officers.

6. *And be it enacted*, That the elections to be held in said township shall be open and closed at the same hours as required by law in state elections, and also that at the first election held under this act, the chosen freeholders of the said county of Atlantic, at their meeting in August next, shall appoint three suitable persons as registers and inspectors of election who shall preside at such election, and who shall take the same oath or affirmation, and have the same powers, and be liable to the same penalties as the inspectors of the other townships of the state, according to the law regulating elections; the clerk of the township shall be clerk of the elections; *Provided, however*, that in case of the absence or inability of any of said persons so appointed to act, the electors present may fill the vacancy, and also that at the first township election held under this act, William T. Ferrell shall be judge of election, Alem Britton and Harvey Claypool shall be inspectors, and David Brownson shall be clerk; *Provided, however*, that in the case of the absence or inability of any of the above named persons to act the town meeting may fill the vacancy.

Inspectors of registry and elections.

Proviso.

Proviso.

7. *And be it enacted*, That the town committee of the townships of Hamilton and Buena Vista shall meet on the

Proceed-
ings to be
held in the
division of
township
property,
&c.

third Tuesday in April next ensuing at the inn of John Champion, at May's Landing, in said township of Hamilton at ten o'clock in the forenoon, and may adjourn from time to time as a majority of them may direct, and then and there proceed by writing signed by a majority of those present, to allot and divide between said townships all properties and money on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor at the last assessment, and the township of Buena Vista shall be liable to pay its just proportion of the debts, bonds and other obligations if any there be due or owing by said township of Hamilton, and if any of the persons comprising either of the committees of said townships shall neglect or refuse to meet as aforesaid, those assembled may proceed to make said division, and the decision of a majority of those present shall be final and conclusive, and in case the committees of said townships cannot agree in any particular, they shall adjourn for two weeks, and associate with them the town committee of Weymouth township, who shall act as an umpire between them.

8. *And be it enacted*, That the person who shall at the first town meeting held for the election of town officers be elected town superintendent is hereby authorized and empowered to collect and receive from the superintendent of the township of Hamilton, within thirty days after his election all moneys apportioned and due to the public school district belonging to the township of Buena Vista.

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

Approved March 5, 1867.

CHAPTER LXXXVIII.

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

Preamble.

WHEREAS, the said company have lately extended their railroad by means of a branch road from Hackettstown to Phillipsburg, where it is to connect with certain railroads of Pennsylvania, which extend to the coal fields of that

State; *And whereas*, the said company have been making preparations for the transportation of coal across their road, by purchasing locomotives and other rolling stock, and by improving, straightening and relaying their said road in divers places, and laying down additional tracks and sidings; *And whereas*, other improvements of like character are still necessary to be made; and more capital will be needed therefor by the said company; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Morris and Essex Railroad Company be and they are hereby authorized to increase their capital stock to any amount not exceeding in the whole ten millions of dollars, including the amount heretofore authorized to be issued; which increase of stock hereby authorized shall be subscribed for and issued at such times and amounts, and in such manner and upon such terms as the board of directors of said company may deem expedient and proper; *provided*, that the amount of stock which may be issued upon and for any of the convertible bonds of said company, bearing date the first day of July, eighteen hundred and sixty-six, and secured by the second mortgage of said company; or upon and for any other convertible bonds which may be issued under second mortgage, shall be reckoned as part of the said ten millions of dollars.

Capital stock increased to ten millions of dollars.

2. *And be it enacted*, That the said company, in order to straighten their said railroad, or to reduce the grades thereof, or to make the necessary sidings or other facilities for railroad purposes, may change the line of said road or widen the same at any point or points, and may lay additional tracks and sidings and make other improvements and facilities for attaining the objects of their charter and the several supplements thereto; and for this purpose shall be invested with all the powers conferred by the said charter and supplements, subject to the duties and liabilities thereby imposed; *provided*, that if any portion of the line of said road shall be changed as herein authorized, such new line or road shall not at any point thereof be located at a greater distance than three miles from the present line; *And provided further*, that no part of the present line shall be taken up or abandoned notwithstanding the making of such new line unless the said company shall file in the office of the Secretary of State a certificate under their corporate seal declaring their purpose so to take up and abandon the same, and

Authority to straighten road, or reduce grades.

Proviso.

Proviso.

Proviso.

surrendering all their franchises in and over the part so to be taken up and abandoned; *provided further*, that in widening any part of their said line the same shall not in any case be widened more than eight rods beyond its present or its authorized width, unless by express agreement with the owner or owners of the land required for that purpose, but nothing herein contained shall be construed as depriving said company of any powers they now have of taking or purchasing lands for the purposes of their charter or of any of the supplements thereto.

Taxes.

3. *And be it enacted*, That no tax-by or under the authority of this State shall be imposed upon any property purchased, held or used by said company for the purposes of their charter or any of the supplements thereto, except the tax of one-half of one per centum on the cost of their road, which by the said charter and the supplement thereto, approved on the twenty-third day of March, eighteen hundred and sixty-five, was required to be paid by said company in lieu of all other taxes, any act to the contrary notwithstanding;

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

Approved, March 5, 1867.

CHAPTER LXXXIX.

An act to enable "The Farmers and Mechanics Bank of Rahway," in the county of Union, to close its business, liquidate its outstanding liabilities, and redeem its circulating notes within a limited time.

Preamble.

WHEREAS, the "Farmers and Mechanics Bank of Rahway," a banking association located at Rahway, in the county of Union, in this State, and incorporated by the laws of said State, did determine by its board of directors, with the consent of three-fourths of its stockholders in interest, to discontinue its business and settle its affairs, and did through its board of directors, file a certificate under its corporate seal, with the Secretary of State, on the twenty-sixth day of September, in the year one thousand eight hundred and sixty-six, setting forth such intention, and that thereby they surrendered to the state their corporate

privileges and powers, in pursuance of the provisions of an act entitled "An act concerning Banks," approved April sixth, eighteen hundred and sixty-five; *and whereas* the said Farmers and Mechanics Bank of Rahway, on the first day of April, one thousand eight hundred and sixty-five, has retired and destroyed its circulating notes as fast as redeemed by order of resolution by its board of directors; *and whereas*, at the present time an amount of the circulating notes of said bank, to the sum of twenty thousand dollars, still remain outstanding or unrepresented, whereby the board of directors are prevented from closing the affairs thereof, and great inconvenience is resulting therefrom to the stockholders; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the board of directors of the said "Farmers and Mechanics Bank of Rahway," through its president, be and they are hereby authorized to give publication in two of the newspapers published in the county of Union, in a newspaper published in the city of Trenton, and two newspapers published in the city of New York, for the space of six months, that all the circulating notes issued by said bank must be presented at such places in this State, and in the city of New York, as such notice shall designate, within one year from the date of such notice, or that the funds held by said bank for the redemption of such notes will be distributed among the stockholders of said bank.

Publication of notice to be made of the time for the redemption of circulating notes.

2. *And be it enacted*, That at the expiration of the time when limited, and upon the filing of an affidavit in the office of the Secretary of State by the president of said bank, setting forth that the publication of such notices have been made in compliance with the provisions of this act, the board of directors of said bank shall be and they are hereby authorized to distribute among the stockholders thereof the remaining assets of said bank in proportion to the shares of stock held by him, her or them respectively.

Distribution of assets.

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

Approved, March 6, 1867.

CHAPTER XC.

A further supplement to an act entitled "An act to incorporate the Raritan and Delaware Bay Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company, for the purpose of funding any of its present debts or obligations, or to enable it to borrow money, may issue its bonds to the further sum of twenty-five hundred thousand dollars, and secure the same, or any part thereof, by a mortgage on the said railway and other corporate property and franchises of the company, such bonds to draw interest at a rate not greater than seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

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

Approved, March 6, 1867.

CHAPTER XCI.

Supplement to an act entitled "An act concerning roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees of surveyors of highways for performing the duties required of them under the act entitled "An act concerning roads," and the supplements to said act shall be at the rate of three dollars per day instead of one dollar heretofore allowed.

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

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

Approved, March 6, 1867.

CHAPTER XCII.

An act to incorporate the Weldon Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Dodge, James Stokes, Anson G. P. Segur, and Alpheus Beemer, and their successors and assigns be, and they are hereby created a body politic and corporate by the name of "The Weldon Iron Company, for the purpose of mining, smelting, manufacturing, buying and selling ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in this state, and carrying on the business incident thereto, and that they and their successors by that name shall be able and capable in law, to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments within this state, and goods and chattels of whatever kind and quality necessary for the purpose aforesaid, and the same or either or any part thereof, to sell, grant, demise, alien and dispose of, and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to every corporation.

Names of
corporators

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and it shall be lawful for said company to issue certificates in whole or in part payments for any real or personal estate purchased or leased by said company for the purpose of their business aforesaid.

Amount of
capital
stock.

3. *And be it enacted*, That the property and affairs of their company shall be managed by a board of directors of not less than three nor more than seven stockholders as the by-laws of said company shall prescribe; and the said board shall organize by appointing one of their number president, and also by appointing a secretary and such other subordinate officers as they may deem necessary and proper; and their principal office shall be located in Morris county, in this state.

Principal
office to be
in Morris
County.

4. *And be it enacted*, That the said company may carry on the business of mining, smelting, manufacturing, buying and selling ores, iron and steel in this state, and that the amount of capital stock may be increased from time to time by order

Object of
the compa-
ny.

of the board of directors, but shall at no time exceed the sum of five hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall appoint, and that the directors and president shall hold their respective offices for one year, and until others are legally appointed in their stead.

Election of
directors.

5. *And be it enacted*, That the election of directors shall be held at such place as the board of directors, or their by-laws shall from time to time designate, that the first board of directors shall hold their office until the first day of January, eighteen hundred and sixty-eight, or until others shall be chosen in their stead, and that William F. Dodge, Anson G. P. Segur, and Alpheus Beemer shall be the first directors of said company.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the county of Morris as a majority of them shall appoint, giving ten days previous notice to that effect, in one or more of the newspapers published in said county, and when one hundred shares of said capital stock shall have been subscribed for and ten dollars on such share shall have been paid to said commissioners they shall call a meeting of the subscribers of said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president of said company all moneys, books, and papers in their hands as such commissioners.

Install-
ments.

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for, in such amounts and at such times as they may direct, giving to each subscriber twenty days notice thereof, either personally or by publication of such notice for ten days in some one or more newspapers published in said county of Morris, and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

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

Approved March 6, 1867.

CHAPTER XCIII.

Supplement to an act entitled "An act for the relief of George N. Creamer," approved March twenty-first, eighteen hundred and sixty-three.

WHEREAS, George N. Creamer has paid into the state treasury the sum assessed and payable for the act to which this is a supplement, according to the provisions of "An act to increase the revenues of the State of New Jersey," approved March sixth, eighteen hundred and fifty-eight, though not within the time limited by said act; and whereas the omission to pay said assessment within the time specified was through inadvertance and misconstruction of said law, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act passed for the relief of said George N. Creamer, shall have the force and effect of law, in all respects as if the said assessment had been paid within the time required by law. Original act to be in full effect.

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

Approved March 6, 1867.

CHAPTER XCIV.

An act to incorporate the Dime Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward G. Brown, Wm. J. Magie, Jacob Davis, Amos Clark, Jr., A. Denman Mulford, J. Wm. Crane, Alexander M. W. Ball, Enos W. Runyon, William F. Day, J. Harvey Cory, Michael Doyle, Philip H. Grier, Samuel L. Moore, August Herdritter, James C. Fairbank, Thomas Den-
nin, John Weyman, John O. Magie, William P. Thompson, John P. Berry, Moses F. Cory, John Graff, Frederick W. Foot, David D. Buchanan, John N. Earl, Eli A. Young, Josiah O. Stearns, Lewis W. Sparks, David Mulford, William Ball, Samuel M. Clark, John B. Norton, Edmund P. Edwards, Sam- Names of corporators

May hold
real estate.

Proviso.

First man-
agers.

Election of
officers.

General
powers of
managers.

Proviso.

uel Bonnell, Jr., Joseph A. Davis, Edward P. Williams, Francis Harris and their successors shall be and are hereby constituted a body corporate and politic by the name of "The Dime Savings Institution," and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors any real estate, in fee simple, or otherwise, and any goods, chattels or personal estate, which shall be necessary for the purpose herein mentioned, and of selling, leasing or otherwise disposing of the said real and personal estate or any part thereof at their will and pleasure; *Provided, always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars.

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

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, and the United States of America, and such by-laws and regulations shall be put up in

some public and conspicuous place in the room where the business of said institution shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

4. *And be it enacted*, That the said institution may receive Deposits and investments. as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts and at such times on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors at such times and with such interest and under such regulations as the board of managers shall from time to time subscribe; and the said institution may accept and execute all such trust of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may Rate of interest to be allowed. at the discretion of the managers, be so regulated as that Proviso. the interest allowed to depositors having over one thousand dollars deposited shall be, at least, at the rate of one per centum per annum less than the interest allowed to other depositors, and that no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit.

6. *And be it enacted*, That no emolument whatever shall, President or managers not to receive pay for services directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any officer or agent of the institution, be allowed directly or indirectly to borrow any money from the said institution, or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money, drawn or endorsed by or existing against any officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others.

7. *And be it enacted*, That the said institution shall invest Money, how to be invested, no money in any public stocks other than such as are crea-

ted under the laws of the United States, or of the States of New Jersey, New York, Ohio, Kentucky, Missouri and Massachusetts, or in the stocks or bonds of the cities of Elizabeth, Rahway, New Brunswick, Newark or Jersey City, and bonds of the counties of Union, Essex, Bergen, Hudson and Middlesex, in this state, or the cities of New York and Brooklyn, in the State of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested, nor in the stocks or loans of any incorporated company whatever.

Certificates
of deposit.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution, shall be as binding as if the same were made under their common seal.

Receipt of
minor to be
valid.

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

Proviso.

Payment in
case of de-
positor's
death.

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

Interests.

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

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

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

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

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

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

17. *And be it enacted*, That this act shall continue in force twenty years unless sooner repealed, and shall take effect immediately. Proviso. Proviso. Limitation.

Approved, March 6, 1867.

CHAPTER XCV.

An act to incorporate the Central Agricultural Society of the State of New Jersey.

Preamble.

WHEREAS, James G. J. Campbell, Charles Scott, Joseph H. Bruere, Runyon Toms, David Naar, and others, under and by virtue of the provisions of an act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, have associated themselves into a company, under the name of "The Central Agricultural Society of the State of New Jersey;" and whereas, the said company are desirous of obtaining a special charter and act of incorporation to carry out the objects for which said company was organized; now, therefore,

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James G. J. Campbell, Charles Scott, Joseph H. Bruere, Runyon Toms, William A. Green, John F. Phillips, Andrew J. Smith, David Naar, Thomas Crozer and Alfred Muirhead, and their associates, heretofore known as "The Central Agricultural Society of the State of New Jersey," and such other person and persons as may hereafter be associated with them, and their successors, shall be they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Central Agricultural Society of the State of New Jersey," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto, in all the courts of law and equity in this state.

General
powers.

2. *And be it enacted*, That the said society shall from time to time have power and authority to make, ordain, and establish such constitution, by-laws and regulations as they, or a majority of them, shall deem proper, and to alter and change the same at pleasure; for the designation of the officers of the said society and the election of the same; for prescribing their several functions and their compensation; to adopt a corporate seal; and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of the said society and the maintaining and preserving good order

and conduct over and among the visitors on the grounds of the said society; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States. Proviso.

3. *And be it enacted*, That the said corporation hereby created, shall have power and authority, from time to time, and at all times, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate, not exceeding in all one hundred acres, and such personal estate as they shall deem necessary for the purposes of the said society, and the same or any part of such real or personal estate to sell, mortgage, lease, or otherwise dispose of at pleasure; and also, with power and authority to make, build and construct on the real estate so held by them, such buildings, roads, and other improvements as they may deem proper and necessary for the better carrying into effect the objects and provisions contemplated by the provisions of this act. May hold real estate.

4. *And be it enacted*, That all lands, tenements and real estate which may hereafter be held, owned or leased by said society hereby created, shall be subject to taxation for all purposes as other lands in this state; *provided, however*, that the capital stock, scrip and shares of said society, and all the personal estate and personal property of the said corporation hereby created shall be exempt from and shall not be liable to have any taxes levied or assessed against or upon the same whatever, so long as, and no longer than, the said society declares and pays no dividend on the capital stock, scrip and shares aforesaid. Subject to tax. Proviso.

5. *And be it enacted*, That the objects of the said society hereby created shall be to improve the breed of horses, cattle and stock, and to improve and encourage the agricultural, horticultural and the mechanical, manufacturing and scientific arts and productions of this state and of other states, at their discretion. Objects.

6. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of the said society hereby created, it shall be lawful for said society to hold upon their said grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions, and to give to the exhibitors, at such fairs and exhibitions, premiums and other rewards, and to ask, demand, and receive for the said society's own use, such reasonable fees for admittance of exhibitors and visitors to the said grounds and exhibitions as the said society may deem proper. May hold fairs and exhibitions.

May ap-
point a po-
lice force.

7. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum at such fairs and exhibitions upon the grounds of the society hereby created, and among the visitors and spectators to the same, it shall be lawful for the said society to appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe, before the sheriff of the county of Mercer, or one of the judges of the court of common pleas in and for said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of the county of Mercer, and shall be of the like form and effect as now required by law for constables to take and subscribe, and which person or persons so appointed and sworn shall possess the same powers and authority on the premises of said society and on the premises adjacent thereto, within one mile of its boundaries, which constables now possess in criminal cases; and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner or wrongfully interfere with the said fairs or exhibitions; and the said parties so arrested shall, as soon as conveniently may be, be taken before some justice of the peace of said county of Mercer, there to be dealt with according to law.

Amount of
capital
stock.

8. *And be it enacted*, That the capital stock of the said corporation hereby created, shall be the sum of fifty thousand dollars, divided into two thousand shares of twenty-five dollars each share, and which capital stock shall be deemed personal property, and such shares shall be transferable, but only upon the books of the said corporation, in such manner as the said society may prescribe.

When to
take effect.

9. *And be it enacted*, That this act shall take effect so soon as the said company in the preamble of this act mentioned and heretofore known as "The Central Agricultural Society of the State of New Jersey," at a special meeting of the stockholders called for that purpose shall, by a resolution, signify their acceptance thereof as the charter of said corporation, and thereupon, on such acceptance all the property, both real and personal, then belonging to the said company, shall vest in and become the property of the corporation hereby created; and that this act shall continue in force thirty years; *provided*, that nothing in this act contained shall be construed to alter or impair the rights, lia-

Proviso.

bilities and contracts of the said company under its present organization.

10. *And be it enacted*, That this act may be repealed, altered or amended at the pleasure of the legislature, and that it take effect immediately. May be repealed.

Approved, March 6, 1867.

CHAPTER XCVI.

An act to incorporate the New Jersey Machine Carving Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Manvel, Nicholas Dabb, William C. Manvel and Alphonzo Dabb and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate by the name of "New Jersey Machine Carving Company," for the purpose of carving and ornamenting wood, stone and other materials, manufacturing machinery, and also dealing in all materials used in said business, in the state of New Jersey, and by that name they and their successors shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; to make and use a common seal and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be and are hereby made capable in law to have, purchase, receive and enjoy any lands, tenements, goods and chattels necessary and proper to carry on the business aforesaid in all its branches, and for securing all debts that may become due, also all patents and patent rights that said company may deem of advantage to its business, and the same to sell, grant, lease, mortgage, convey and dispose of, and to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act; and that the said Alber Manvel, Nicholas Dabb, William C. Manvel and Alphonzo Dabb, or a majority of them are hereby authorized to receive subscriptions to the capital stock of said company.

Names of corporators

Commissioners to receive subscriptions to capital stock.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of extending to two hundred thousand dollars, divided into shares of one hundred dollars each; and said shares of stock shall be deemed to be personal property, and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company; and that it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real or personal or leasehold property that may be purchased or leased by them; and when shares to the amount of fifty thousand dollars shall have been issued in accordance with the provisions of this act, then it shall be lawful for said company to commence and carry on their business.

President
and officers.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three, nor more than seven in number, as said by-laws shall from time to time establish, of whom a majority shall be residents of this state, that said board shall organize by appointing one of their number president and a suitable person secretary, and may afterwards appoint such officers and agents as they may deem necessary, and may remove the same at their pleasure; and may by their by-laws fix their duties and compensation, and that the persons named in the first section of this act, shall be the first directors to organize and manage the affairs of said company, and shall continue in office one year, and until others are elected in their stead; and that the directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all transactions of said corporation, which books shall at all times during business hours be open to the inspection of any stockholder of said company or his legal attorney or attorneys.

Election of
directors.

4. *And be it enacted*, That the directors of said company shall be chosen annually, by ballot, from among, and by the stockholders, at such time and place, and on such notice as said by-laws may fix; and that each share of stock shall be entitled to one vote, which may be given by the stockholders, in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held, according to the requirements of the by-laws in that behalf, or this act; and that any vacancy in the board hereby ap-

pointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or the majority of the same; and that in any election of directors, the persons having or receiving the greatest number of votes, shall be directors, and shall continue in office until their successors are elected.

5. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them from time to time, to demand from the stockholders or others subscribing for the stock, all sums of money subscribed to said capital stock, in such proportions, and at such times as they may deem proper; and if such payment shall not be made within thirty days after the day fixed for that purpose, fifteen days' notice of the time and place of such payment being first published in one or more of the newspapers published in the county where said business is carried on, designating the amount of such payment per share and the time when, place where, and the persons to whom the same may be paid, such board may declare forfeited, and forfeit to said company all installments paid on such subscriptions, and all right to the shares so subscribed for. Payment of
installments.

6. *And be it enacted*, That a majority of the directors, from time to time, shall form a board for transacting the business of the company, and may make such by-laws, rules and regulation as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said company, not contrary to the constitution and laws of this state or of the United States; but no dividend shall be declared or paid, except from the actual net profits of said corporation, and that no transfer of stock shall be valid until the same shall be entered in the book or books kept for that purpose, and that their principal office shall be in the county of Union. Dividends.

7. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders, summoned specially for that purpose by the board of directors or a majority of them, giving thirty days notice of such meeting in a newspaper published in the county where said business is carried on, at least once a week during said period; *Provided*, three-fourths in the value of the stockholders be present or represented therein, and vote in favor of such dissolution; and upon such dissolution the directors for the time being, or the survivors or survivor of them, or such other Corporation
how dis
solved.

Proviso.

person or persons as the board shall appoint for that purpose, shall be trustees or trustee for settling the affairs of the company, and paying its debts, and dividing the surplus among the stockholders according to their respective interests therein.

Act may be
repealed.

8. *And be it enacted*, That it shall and may be lawful for the legislature of this state at any time hereafter to alter, modify, or repeal this act whenever the public good, or the interests of said company may require.

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

Approved, March 6, 1867.

CHAPTER XCVII.

An act to divide the township of Ocean, in the county of Monmouth.

Boundaries
defined of
Ocean and
Lincoln.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township of Ocean, in county of Monmouth, shall be and is hereby divided into two townships by a line running as follows: to wit, beginning at the mouth of Peter Reynolds' mill brook, where it empties into Shark River, and running up said brook to said mill; thence a straight line, northeasterly to the southwest corner of Elisha J. Morrison's farm, by a bridge over a stream which empties in Great Pond; thence down the said stream to the aforesaid pond and around the same to the north side thereof, to the southeast corner of Jeremiah White's farm, being also the southwest corner of the farm of Garret Vanderveer; thence along the line of said White and Vanderveer, due north to the Deal road, leading from thence to the Eatontown and Long Branch turnpike road, by Elisha Lippincott's store; thence along said Deal road to a cross road at the foot of negro Hill, near the Methodist Episcopal Church, leading to Lane and Corlies' store; thence along the middle of said cross road to a stone, planted for the northwest corner of John Levey's farm, being also the northeast corner of the farm, late James T. Woolley, deceased; thence north nine degrees east to the turtle mill brook; thence down the said brook and creek to the southeast corner of George

Hance's farm ; thence along the east line of said farm to the northeast corner thereof, being a corner of lands belonging to William Morris; thence north thirty-four and a half degrees west of South Shrewsbury river, being the Shrewsbury township line, the easterly part to be called the township of Ocean, and the westerly part to be called the township of Lincoln.

2. *And be it enacted*, That the inhabitants of the first named township shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of the inhabitants of the township of Ocean, in the county of Monmouth, and shall be entitled to all the rights, powers, authority, privileges and advantages and subject to the same regulation, government and liabilities as the inhabitants of the township of Ocean first aforesaid are now entitled, or subject to by the existing laws of this state.

Inhabitants
of the town-
ship of
Ocean in-
corporated.

3. *And be it enacted*, That the inhabitants of the said township of Lincoln shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of the inhabitants of the township of Lincoln, in the county of Monmouth, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulation, government and liabilities as the inhabitants of the township of Ocean, first aforesaid, are now entitled, or subject to by the existing laws of this state, except that the polls at the annual township meetings shall be opened at nine o'clock A. M., and closed at four o'clock P. M.

Inhabitants
of the town-
ship of
Lincoln in-
corporated.

4. *And be it enacted*, That the inhabitants of the township of Ocean shall hold their first annual town meeting at the house of Samuel P. Silleck, in Oceanville, on the second Tuesday in March, A. D., eighteen hundred and sixty-seven, in the said township of Ocean.

Place of
first annual
meeting.

5. *And be it enacted*, That the inhabitants of the township of Lincoln aforesaid, shall hold their first annual town meeting at the house of Jacob White, at Eatontown, in the said township of Lincoln, on the second Tuesday in March, A. D. eighteen hundred and sixty seven.

Place of
first annual
meeting.

6. *And be it enacted*, That the township committees of the said townships of Ocean and Lincoln shall meet on the eighteenth day of March, A. D., eighteen hundred and sixty-seven, at the house of John H. Vanderveer, in said township of Lincoln, at ten o'clock A. M. of said day, and then and there proceed by writing, signed by a majority of those

Township
committee
to make di-
vision of
property.

present to allot and divide between the said townships, all properties and monies on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor, within their respective limits at the last assessment, and may adjourn the said meeting from time to time as a majority of those present may think proper; and the inhabitants of each of the said townships shall be liable to pay their proportion of the debts, and to support the paupers whose settlement are or may be within the boundaries of their respective townships.

Inspectors
of registry,
Ocean town-
ship.

7. *And be it enacted*, That the inspectors of registry elected at the last general election in the first district of said township of Ocean, shall be authorized and required to perform all the duties required of them by law, in and for the said township of Ocean.

Inspectors
of registry,
Lincoln
township.

8. *And be it enacted*, That the inspectors of registry elected at the last general election in the second district of said township of Ocean, shall be authorized and required to perform all the duties required of them by law, in and for the said township of Lincoln, and shall preside at the first annual town meeting of said township; as judge and inspectors thereof.

Division
lines.

9. *And be it enacted*, That the said committees of the said townships of Ocean and Lincoln shall cause the division lines to be run and marked when necessary.

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

Approved March 6, 1867.

CHAPTER XCVIII.

An act to incorporate the American and European Commercial News Association.

Names of
corporators

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Israel Baldwin, Mark A. Ward, William D. Kinney, Ferdinand Barber, and their associates, their heirs and assigns who may become stockholders, 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 American and European Commercial News As-

sociation, for the purpose of organizing, establishing and maintaining public exchanges, with power to create all necessary facilities for the benefit of such merchants and others as shall become stockholders in or subscribers to said American and European News Association, with offices in Trenton, Newark and such other cities and towns of the country as may be desirable, for the reception and distribution of private, foreign, domestic and commercial news to its stockholders and subscribers, and with authority to deal in bills of exchange.

2. *And be it enacted*, That to this corporation shall be applied all the provisions of an act of the legislature of this state entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the various amendments thereof so far as the same are applicable, and are not inconsistent with the prior provisions of this act, except limitations as to time. Provisions of act of 1864 to apply to this act.

3. *And be it enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, divided into two thousand shares of the value of fifty dollars each, the capital stock of said corporation may by a vote of two-thirds of the stockholders, at a meeting specially called for that purpose, increase its capital to any amount not exceeding five hundred thousand dollars. Amount of capital stock.

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

Approved, March 6, 1867.

CHAPTER XCIX.

A further supplement to an act entitled "An act respecting the office of Treasurer," 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 State Treasurer be and he is hereby authorized to employ one clerk to assist in the discharge of his duties, at an annual salary not exceeding the sum of one thousand dollars, to be computed from the first day of December, one thousand eight hundred and sixty-six, and Authorized to employ additional clerk.

which may be paid out of any funds in the treasury not otherwise appropriated.

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

Approved March 6, 1867.

CHAPTER C.

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

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the complainant may in any bill in chancery pray that the defendant answer without oath, in which case the answer need not be sworn to, and the allegations and statements therein, whether responsive or not, shall not be evidence against the complainant, except on a motion to grant or dissolve an injunction, on which motion the statements and denials in an answer duly sworn to, shall have the same effect as heretofore; and when an answer without oath is so prayed, the complainant may annex to the bill interrogatories, founded on statements in the bill, and the same or any part thereof may be addressed to all or any of the defendants, and each defendant to whom such interrogatories are addressed, shall answer the same, under oath or affirmation, fully, directly and responsively, confining the answer to the interrogatory proposed; and such answers shall be annexed to the answer to the bill, be filed therewith, and be liable to be excepted to, as a part of the answer; and so far as responsive to such interrogatories, shall have the same effect as the responsive allegations in answers required to be sworn to; and any defendant omitting to answer any such interrogatory directly and fully, may be compelled so to do, or the allegations in the bill upon which the interrogatory is founded, shall be taken as admitted to be true, and a decree made thereon accordingly; but nothing in this section shall affect any suit now pending, or any suit to be brought upon a claim for which a suit in equity is now pending.

Proceed-
ings when
answer is
made by de-
fendant
without
oath.

Notice or
rule in lieu
of order.

2. *And be it enacted*, That in lieu of the order to appear and plead, answer or demur required to be published, or

served on absent defendants, the chancellor may direct such notice as he may by rule adopt, to be served or published in the same manner as such order is now required to be served or published.

3. *And be it enacted*, That when any defendant shall by law be taken or deemed an absent defendant, a copy of the order or notice to appear and plead, answer or demur, shall, within the time required by law, be served upon him, or published, as now required by law, and mailed to him, prepaid, directed to him at the post-office nearest his residence, or the post-office at which he usually receives his letters, unless such residence or post-office is unknown, and cannot be ascertained upon making such inquiries as the chancellor may by rule prescribe in such case, and no decree shall be made against an absent defendant not appearing or served with process in any suit hereafter commenced, unless upon proof filed of the actual service of such notice upon such defendant personally, or by leaving the same at his residence, with a person of the family, or of due publication thereof, and the mailing the same to him as herein required, or in default of such mailing, that his residence or post-office cannot be ascertained.

Proceedings in case of the absence of defendant.

4. *And be it enacted*, That any defendant upon whom such order or notice is served as herein directed, shall be bound by the decree in such cause as if he were served with process within this state; but in cases where the same shall be published and sent by mail, if such defendant shall make oath that he did not receive the same, and that it did not in any way come to his knowledge, within twenty days after the time within which it was directed to be served, or in cases where actual service is sworn to, if it shall be made to appear by satisfactory proof, that such service was not made, then the decree against such absent defendant shall have the same force and effect as it had before the passage of this act.

Absent defendant bound by decree when notice has been received.

5. *And be it enacted*, That the proof of the service required by this act may be taken before any judge of any court of record, or any notary public, in any state or territory of the United States; and in any foreign state or country, before any notary public, or any minister, secretary of legation, charge d'affaires, consul or vice-consul of the United States, there being.

Proof of service.

6. *And be it enacted*, That the solicitor shall be entitled to

Fees. one dollar and fifty cents for every notice served or mailed as directed by this act.

When not required to appear. 7. *And be it enacted*, That to every subpoena ad respondendum, a notice shall be added that the defendant is not required to appear at Trenton in person at the return day, but only to cause his written appearance, to be sent by solicitor or otherwise, and to answer the bill within the time required by law.

Chancellor authorized to empower a master in chancery to act in his absence. 8. *And be it enacted*, That in case of the sickness of the chancellor, or his temporary absence from the state, he may by order filed with the clerk, authorize such master in chancery as may be therein named for that purpose, to grant and dissolve injunctions, and perform such other duties of the chancellor as may be therein designated, not including the final hearing and determination of causes; and all orders and acts of such master within the scope of such authority, shall have the same force and effect as if made and done by the chancellor in person.

Amount due on decree when paid to be entered on margin of enrolment. 9. *And be it enacted*, That when the amount due on any decree in chancery for the foreclosure and sale of mortgaged premises shall be paid and satisfied in any other way than by a sale of the mortgaged premises, or when any decree in chancery for the payment of money shall be paid and satisfied, satisfaction shall be entered on the margin of the enrolment by the party receiving satisfaction, or his solicitor, or by the clerk by virtue of a warrant of attorney from the party duly acknowledged or proved, in the same manner as satisfaction is entered of judgments at law; and upon filing an acknowledgment of such satisfaction under the hand of the solicitor of any party, such satisfaction may be entered for him by the clerk; and the same fees shall be paid as in the supreme court for like services.

Trustees have power to sell, &c. 10. *And be it enacted*, That any trustee heretofore appointed or substituted or who shall be appointed or substituted by the court of chancery in the place of trustee or trustees, appointed by a will or other instrument creating or continuing a trust, shall have the same power to sell and convey lands and other property as was given to and vested in the original trustee or trustees by such will or instrument, even in cases where such power may be directed to be exercised at the direction of such original trustee or trustees, unless such power of sale shall by such will or instrument be expressly prohibited to any substituted trustee.

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

Approved, March 6, 1867.

CHAPTER CI.

A further supplement to the act entitled "An act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April fourth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual salary of the chancellor, of the chief justice, and of each of the associate justices of the supreme court shall be increased eight hundred dollars from and after the passage of this act. Compensation increased.

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

Approved, March 6, 1867.

CHAPTER CII.

An act to incorporate the Centenary Silver Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Day, John Ferdon, Edwin A. Day, Peter S. Day and Jarvis Johnson, and the survivors of them and all such persons as may hereafter be associated with them and their successors and assigns, shall be and they are hereby created a body politic and corporate by the name of "The Centenary Silver Mining Company," by which name said corporators and their successors shall have perpetual succession and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places and in all manner of actions and complaints whatever. Names of corporators

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be twelve hundred and fifty thousand dollars, divided into shares of a hundred dollars each, with the privilege to increase the same in shares as aforesaid to an amount not exceeding two millions of dollars, said increase and all transfers of stock to be made at such times and in such manner as the directors shall prescribe, and the said shares shall be deemed personal property.

Subscrip-
tions how
paid.

3. *And be it enacted*, That subscriptions to the capital stock may be paid by the sale and transfer to the company of, and it shall be lawful for said company to grant and issue certificates of shares in part or full payment for land or real estate or any leasehold or other interest therein or any property appropriate to the business contemplated by this act at a valuation agreed upon, and the directors of said corporation may issue bonds not exceeding fifty per cent. of their capital paid in, bearing interest at a rate not exceeding seven per centum per annum, and secure the same by mortgage or otherwise, and any of said bonds may be made convertible into stock on such terms as the directors may prescribe.

May hold
real estate.

4. *And be it enacted*, That said corporation shall have power to take, receive, and hold in fee simple, or any less estate or interest in any lands and mineral or other rights and privileges with their appurtenances in Nevada, and to mortgage, sell, convey, lease, or otherwise dispose of or deal in the same or any part thereof or any interest therein, or their products, and to detain or reserve rents, royalties or other interests therein and dispose of the same, and shall have the right to prove and open mines on said lands and work the same and all mineral lodes or veins therein, and prepare the product of said lands and rights for and transport the same to market and dispose of the same; also to purchase, have, use and dispose of such machinery, goods, wares, merchandise and personal property and do such other acts and things, and make all such improvements and erections as a successful prosecution of the business of the company may require; but said company shall not engage in the business of banking.

Election of
directors
and presi-
dent.

5. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, a majority of whom shall be residents of this state; one of the said board shall be president, and the persons nam-

ed in the first section of this act shall be and are hereby constituted a board of directors, and they shall hold office, with the power to fill any vacancy or vacancies, until the first annual election, and the organization of the board then elected, and all directors hereafter elected shall hold office until others are elected, and shall enter upon their duties within one year after the passage of this act; and annually thereafter the directors shall be elected by ballot, at such times and places, and under such regulations as the by-laws may prescribe, and if for any cause the election shall not take place at the time fixed, it may be held at any other time, upon such notice as the by-laws may prescribe, and at every election each share of stock shall entitle the holder thereof to one vote, in person or by proxy.

6. *And be it enacted*, That the board of directors shall have power to enact, alter, amend and repeal by-laws, rules and regulations, prescribing the number of directors hereafter, the number and duties of its officers, the number not less than half who shall form a quorum of the board, the manner of filling vacancies, the regulation of dividends, the government and management of the stock, property and business of the corporation, and of the officers and persons employed by them, and their compensation, and all other needful by-laws, rules and regulations not inconsistent with the constitution of this state or of the United States; to adopt and use a common seal, and the same to change, alter and renew at pleasure; and it shall be lawful for the board of directors, in case any of the capital should be required to be paid in instalments to forfeit for the use of the company any shares of stock and payments thereon made by any stockholder or stockholders, who shall make default in the payment of any instalment at the time the same is payable, notice having been given in the manner prescribed in said by-laws, of the time and place for the payment thereof, and the directors are authorized to call for the payment of the amount unpaid on any stock in such instalments as they may direct. Powers of directors.

7. *And be it enacted*, That the said corporation must have a principal office, and hold their annual election at Jersey City, in this state, and it shall be lawful for them to have offices out of this state, and to transact their other business out of this state; and this act shall take effect immediately. Principal office and annual election to be in this state.

Approved, March 6, 1867.

CHAPTER CIII.

An act entitled a "Supplement to an Act to incorporate Societies for the Promotion of Learning."

Conference
empowered
to found
institutions
of learning
and elect
trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the Newark annual conference of the Methodist Episcopal Church, are hereby authorized and empowered, when in conference assembled, to found any institution in this state, whose object shall be for the promotion of learning; and for that purpose, when assembled as aforesaid, they are hereby further empowered to elect twelve persons, one-half of whom shall be members of the said conference, and the other half shall be laymen of the Methodist Episcopal Church as trustees of the said institution, with power to fill vacancies in their body until the session of the annual conference, when the conference shall be empowered to fill all vacancies that may have occurred, whether filled temporarily by the trustees or otherwise; at the first election of trustees they shall be divided into three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that thereafter one class may be elected every year, which said trustees and their successors are hereby constituted a body politic and corporate in fact, name and law to all intents and purposes forever, by whatsoever name the trustees elected as aforesaid shall take and assume, in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession.

Duties of
trustees.

2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors, to lay before the Newark annual conference of the Methodist Episcopal Church, at every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, which report shall be presented to the conference previously to the annual election of trustees.

Restriction
and priv-
ileges.

3. *And be it enacted*, That the Newark conference of the Methodist Episcopal Church aforesaid, and the said trustees and their successors, shall be subject and entitled to the provisions of the act to which this is a supplement, so far

as the same may be applicable, and not inconsistent herewith.

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

Approved, March 6, 1867.

CHAPTER CIV.

An act for the relief of the township of Hopewell, in the County of Mercer.

WHEREAS, George F. Hart, late of the township of Hopewell, in the county of Mercer, deceased, was duly elected collector of taxes in and for said township, at their annual town meeting, held in April, eighteen hundred and sixty-five, and the duplicate of taxes for said township was duly delivered to the said George F. Hart for collection, and afterwards, to wit, in the month of April, eighteen hundred and sixty-six, the said George F. Hart departed this life, leaving a portion of said taxes still uncollected, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a new tax warrant be issued for those taxes which remain uncollected in said township of Hopewell, for the year eighteen hundred and sixty-five, to be delivered to the person who is collector of taxes in said township on the passage of this act, and that the said collector be authorized to collect said taxes in the usual way, according to law. New tax warrant to be made.

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

Approved, March 6, 1867.

CHAPTER CV.

An act making an appropriation for furnishing the new wings of the State Lunatic Asylum, and improving the buildings and grounds.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty-five thousand dollars be and is hereby appropriated to procure the necessary furniture and fixtures for the new wings of the Lunatic Asylum, provide drainage, erect fences and make other needed improvements to the buildings and grounds, and the further sum of four thousand dollars to pay for the improved gas apparatus now in use, and for erecting and constructing a gate, gate-house and entrance road to the main building.

To be paid upon warrants, &c.

2. *And be it enacted*, That the said moneys shall be paid by the treasurer to the managers of the Asylum upon the warrants of the comptroller, who is hereby authorized and directed to draw the same at such times and in such sums as the managers may require.

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

Approved, March 6, 1867.

CHAPTER CVI.

An act to incorporate the Leedsville and Colt's Neck Turnpike 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 Leedsville and Colt's Neck Turnpike Company shall be opened by James Bray, Thomas B. Walling, I. Bucklin, John Warden, Robert Allen, Jr., George Taylor, Conover Taylor, John Statesir, Sr., John Statesir, Jr., or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and such places as they or a majority of them may direct, giving

notice at least ten days prior to the opening of said books, by publishing the same in at least one of the newspapers published in this state.

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 a sum not exceeding twelve thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when two hundred shares shall be subscribed for the persons holding the same shall be and they are hereby incorporated into a company by the name of the Leedsville 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 said company into effect. Amount of capital stock authorized.

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 subscription shall be paid in instalments, at such times and such places and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid, and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request have the right to pay the stock subscribed for, except the first instalment, by work upon said road, under such regulations, at such time, and upon such notice as the directors may determine. Installments. Proviso.

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 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 into their respective subscribers or their representatives, in proportion to the sums paid in by them. Act how made void.

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 Election of directors.

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

Election of
president.

6. *And be it enacted*, That within ten days after the annual election as aforesaid, the said directors shall elect from among the number a president of their said company, who shall be a citizen of this state, and a resident of 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 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 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 duties herein prescribed.

Vacancies,
how filled.

7. *And be it enacted*, That the said directors or a majority may supply any vacancy in the interval between the annual elections by death, resignations, 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 of the county of Monmouth, and all officers, agents, superintendents and other servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements,

and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided* the same are not repugnant to the constitution or laws of this state or 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 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 said president or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts and all other papers and proceedings of the company to be exhibited to them by the president and directors. Special meetings.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be held at the time specified by this act, the same may be made at any other time 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. Not to be dissolved by failure to elect.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Leedsville, in the county of Monmouth, to Colt's Neck, in said county, beginning at the junction of the roads, in Leedsville, and ending at the junction of the roads by the Colt's Neck Hotel, which said turnpike road shall be constructed on and along the public highway leading from the village of Leedsville, through the former Phalanx property, to Colt's Neck, except in those places where the said public highway is not straight, then and in those places the said company shall have power to construct the said turnpike road where they may deem proper, and 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 be- Construction of road. Proviso.

fore the 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 the said turnpike upon, now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Width of road.

12. *And be it enacted*, That the width of said turnpike road shall be governed by the width of the road along which it may be constructed, and shall be sufficiently arched and drained to make and keep the same dry, and at least fourteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, and the bridges already constructed on said route shall be deemed of sufficient width for the purposes of this act, 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 railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

May enter upon lands.

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 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 enclosure thereof; and to make all ditches and underdrains across and through such lands necessary for properly draining said

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

Proceedings when company and owners cannot agree.

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 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 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 said justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the said company.

Gates to be
erected,

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

For every additional beast, one and a half cents;

For every horse and rider, or led horse or mule, eight mills;

For every dozen of calves, sheep or hogs, one and a half cents;

For every dozen of horses, mules or cattle, six cents;

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or 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 military

officer or soldier passing or re-passing when called to duty by the laws of this state or the United States.

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

Milestones
to be erect-
ed.

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 or deface any of the 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 gate or gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by an action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horses turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for
injury to
road.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler 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 cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
delaying
travelers.

18. *And be it enacted*, That all the drivers of the carriages, sleighs, or sleds of every kind and description, whether of burthen or pleasure, or person on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on

Penalty for
obstructing
road.

the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages, or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceed-
ings when
road and
bridges are
not kept in
repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to the said road the said justice shall immediately in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the gate or turnpike, exact toll of travelers, 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 road, and report as aforesaid their opinion to the said justice, 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 same fee 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 fee shall be allowed as before prescribed, and paid by the person or persons making the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders in the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across the said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates. When toll may be taken.

21. *And be it enacted*, That if any person place, or cause to be placed, any obstruction on or along said turnpike road that may interfere with the travel or any of the drains of the same, every such person shall, for every such offence forfeit and pay to said company ten dollars, to be recovered by an action of debt with costs of suit in any court in said county. Travel not to be impeded.

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

Approved March 6, 1867.

CHAPTER CVII.

An act to incorporate the Atlantic Mail Steam Navigation Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Joseph J. Comstock, George M. Wheeler, Benjamin F. Voorhees, and William R. Garrison, and their associates; and all other persons who are or hereafter may be holders of the stock hereinafter mentioned, are hereby constituted a body corporate, by the name of "The Atlantic Mail Steam Navigation Company," and so to remain and continue for the period of twenty years next ensuing, for the purpose of building, equipping, furnishing, fitting, purchasing, chartering and owning vessels, or any share or shares, interest or interests therein, legal or equitable, to be Names of incorporators

propelled solely or partially by the power or aid of steam, or other expansive fluid or motive power, and to be run and propelled in navigating the ocean between such ports and places as the directors of said corporation may from time to time direct, and also purchasing, owning and navigating such sailing vessels as may be necessary to provide fuel or other necessities, and for such purpose all necessary and incidental power is hereby granted to said corporation, and for carrying freight and passengers, for transporting the mail, for providing coals, materials and supplies, and for all other business of the company; and all contracts may be made either verbal or under the signature of the president and secretary of said company, and with or without the corporate seal.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two millions of dollars, with liberty to increase it by a vote of the stockholders, at any annual or special meeting, to a sum not exceeding ten millions of dollars; said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct; the said corporation may commence operations when one million of dollars shall have been subscribed, and five per centum on each share subscribed for paid in.

Commis-
sioners to
receive sub-
scriptions.

3. *And be it enacted*, That any three of the corporators above named, shall be commissioners to receive subscriptions for such capital stock, at such time and places in the city of New York, or elsewhere, as they shall appoint, by giving ten consecutive days' notice thereof in one newspaper published in the county of Hudson, in this state, and also in one or more newspapers published in the city of New York; and if the whole capital stock shall not be subscribed for at the times and places so appointed, other subscriptions may be at any time received, until the whole capital stock shall have been subscribed, under such regulations as the board of directors of the corporation shall from time to time prescribe.

Election of
directors.

4. *And be it enacted*, That as soon as one million of dollars shall have been subscribed, the said commissioners shall call a meeting of the stockholders by giving ten consecutive days' public notice thereof in one newspaper published in the county of Hudson, in this state, and also in one or more newspapers published in the city of New York; and

said stockholders shall elect by ballot, at such meeting, or at any subsequent general meeting, seven directors, being stockholders, to manage and conduct the concerns, affairs and business of the said corporation, who shall hold their office for one year, and until others are chosen in their places; the directors, except for the first year, shall be annually chosen, at such time and place as shall be directed by the by-laws of the said corporation; in all meetings of the stockholders, each share shall entitle the holder to one vote, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; in case it should at any time happen that an election shall not be made on the day appointed by the by-laws of the said corporation, the said corporation shall not for that cause be deemed dissolved, but such election may be held on any day which shall be appointed by the directors of said corporation.

5. *And be it enacted*, That any four directors of said corporation shall form a quorum for and may transact the business of said corporation. Quorum.

6. *And be it enacted*, That it shall be lawful for the board of directors of said corporation to call in and demand from the stockholders, respectively, all such sums of money by them subscribed for, at such times and in such payments or instalments as the said board shall deem proper, and the said corporation may sue for and recover all such sums as may from time to time, or at any time, be due on subscriptions, with interest from the time of default in payment thereof; or if payment shall not be made by any stockholder or stockholders within sixty days after personal demand or after notice requiring such payment shall have been published at least once in each week, for four successive weeks, in one or more newspapers published in the city of New York and in Jersey City, the board of directors may declare the said shares of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited to the said company, together with all previous payments thereon. Payment of
instal-
ments.

7. *And be it enacted*, That the said corporation may have and use a common seal, and the same may alter or renew at pleasure; said corporation may purchase, acquire, hold and convey such real estate as may be required for its purposes, to an amount not exceeding five hundred thousand dollars, the board of directors of said corporation may purchase such May hold
real estate.

personal property, including the shares of other steamship companies as may be suited to or required for its business; the board of directors may in carrying on the business of said corporation incur debts, and give the promissory notes of the said corporation therefor; *provided* the indebtedness of the corporation shall not at any one time exceed one-half of the amount of its paid up capital.

Provide.

President.

8. *And be it enacted*, That the directors of said corporation, who from time to time may be duly elected, may appoint one of their number to be president, and such other officers and agents, and establish such by-laws and regulations as they may think proper and expedient for the government of the corporation and the management of their business, so that such by-laws and regulations shall not conflict with this charter, nor in any manner violate the constitution or laws of this state or of the United States; the board of directors may from time to time call special meetings of the stockholders in such manner as the by-laws may prescribe.

Book of
sharehold-
ers' names
to be kept.

9. *And be it enacted*, That it shall be the duty of the said corporation to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons who are stockholders in said corporation, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, which book shall be open for the inspection of the creditors and stockholders of the said corporation, at the office or principal place of business of said corporation.

Meetings
may be held
out of this
state.

10. *And be it enacted*, That the meetings of stockholders and of directors may be held out of this state, and when so held shall be as valid as if held in this state, but all annual meetings for the election of directors shall be held at such place in this state as the by-laws may direct; they shall have an office in Hudson county, in this state, and other offices at such places as the business may require.

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

Approved, March 7, 1867.

CHAPTER CVIII.

A supplement to an act entitled "An act to authorize the inhabitants of the village of Passaic to improve the sidewalks of said village," approved March twenty-seventh, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the land owners mentioned in the fourth section of the act to which this is a supplement shall not reside upon the land on account of which the assessment therein mentioned is made, the written demand in said fourth section mentioned, may be made by posting the same on a conspicuous portion of said lands, and in three public places in the township in which said lands are situate.

Notice of
demand to
be posted.

2. *And be it enacted*, That the notice required to be given by the seventh section of said act to the land owner by the superintendent, shall be deemed sufficient, if given to the agent of said land owner in charge of the premises, or, if the owner does not reside upon the premises, or no agent shall have charge of the same, to the knowledge of said superintendent, by posting the said notice in five public places in the township where said premises are situate, and where notice shall have been or shall be given or sent to any land owner, or to his, her or their agent, and the grading, planking, or paving, shall have been actually done by said superintendent, in front of the lands of any land owner, either in fee or for life, every such land owner, either in fee or for life, shall be deemed to have had sufficient notice, and said superintendent shall be entitled to recover from such land owner the cost and expense of such grading, paving or planking, as provided for in said seventh section, or to make the amount thereof, or the balance due therefor, by sale of the lands as herein provided.

Notice
when suffi-
cient.

3. *And be it enacted*, That it shall be lawful, in addition to the remedy provided in said act, for the superintendent therein mentioned, at any time after three months shall have elapsed after the making of any assessment mentioned in the fourth section thereof, if the same then still remains unpaid, to cause an advertisement to be inserted in one or more of the public newspapers published in the

Proceed-
ings in case
of unpaid
assessment.

city of Paterson, for one month, stating the amount of such assessment, and requiring the owner or owners of the lot or lots on which the same is made, to pay the same with interest, cost and charges thereon, to said superintendent, and appointing a day and place when and where such lot or lots will be sold, at public auction; if default be made in such payment for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed, with costs as aforesaid, in which advertisement it shall not be necessary to name the owner or owners of said lots, unless he, she or they reside upon the same, nor to specify what estate therein such owner has, but a general description or designation, by which said lot or lots may be known, shall be sufficient, and if any one claiming an estate therein resides upon the same, the name of such owner, and if, notwithstanding such notice and requirement, (a copy whereof when the residence of any owner or owners who do not reside in the said township is known to the superintendent, shall be mailed or personally delivered to such owner or owners,) the owner or owners of such lot or lots, shall neglect to pay such assessments, with interest, costs and expenses thereon, and of the said advertisement, it shall be lawful for said superintendent to cause such lot or lots to be sold at public auction for a term of years, at the time and for the purposes, and in the manner expressed in said advertisement; *Provided*, such sale may be adjourned from time to time, not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof under his hand and seal; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, and of this act lawfully hold and enjoy the same for his or their own proper use, against any owner or owners and all claiming under him, her or them, until the term of said purchase therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect, or place thereon; but he or they shall leave such lot at the expiration of such term in sufficient fence, and the sidewalk in front thereof in good order; *Provided, always*, if the owner or owners, mortgagee or mortgagees of said lot shall within one year after such sale, pay to the said purchaser, his executors, administrators or assigns, the amount of money so by him paid, and also the amount paid for any fences erected or made thereon, with interest at twelve per-cent. per annum, then the said owner or owners,

Proviso.

Proviso.

mortgagee or mortgagees, as the case may be, shall be entitled to reenter and repossess the said lot, in the same manner to all intents as if such sale had not been made.

4. *And be it enacted*, That if said superintendent shall have graded, paved or planked, or shall hereafter pave or plank, as is provided for in the said act to which this is a supplement, in front of any lot or lots, the amount of the expenses of such grading, paying or planking, together with interest thereon at twelve per centum per annum until paid, with the costs and expenses or collection as herein provided for is hereby declared to be and made a lien upon said lot or lots from the time of doing said grading, paving or planking, and in default of payment of the amount thereof to said superintendent, for three months after the same shall have been done, he is hereby authorized to cause an advertisement to be inserted in one or more of the public newspapers published in the city of Paterson, for one month, stating the amount thereof, and requiring the owner or owners of the lot or lots, on which the same is a lien, to pay the same with the interest, cost and charges thereon to said superintendent, and appointing a day and place when and where such lot or lots will be sold at public auction, if default shall be made in such payment for the lowest term of years at which any person or persons shall offer to take the same, in consideration of advancing the amount due for such grading, paving or planking, with costs and expenses; in which advertisement it shall not be necessary to name the owner or owners of said lot or lots, unless he, she, or they reside upon the same; but a general description or designation by which said lot or lots may be known, shall be sufficient; and if notwithstanding such notice and requirement a copy thereof, when the residence of any owner or owners who do not reside in the said township, is known to the superintendent shall be mailed or personally delivered to such owner or owners the owner or owners of such lot shall neglect to pay the amount thereof, with the interest, costs and expenses as aforesaid, and of the said advertisement, it shall be lawful for said superintendent to cause such lot or lots to be sold at public auction for a term of years, at the time and for the purposes and in the manner expressed in said advertisement; *provided*, such sale may be adjourned from time to time not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof, under his hand and seal, and such purchaser and purchasers, his, her,

Costs and expenses to be a lien until paid.

Provided...

or their 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 any owner or owners, and all claiming under him, her or them, until the term of said purchaser therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot or lots and sidewalk, in the same condition as is provided in the third section hereof, and said lot or lots may be redeemed within the same time and upon the same terms by said owner or owners, as is in third section provided, in case of sale for assessments.

Powers of
commissioners.

5. *And be it enacted*, That said commissioners shall have full power after the expiration of their term of office, to do all acts and things necessary to complete and collect any assessments made by them, or any two of them, and shall pay the same over to the party or parties entitled thereto, and said superintendent, after the expiration of his term of office, shall have full power to do all acts and things necessary to be done to collect or make all assessments or amounts for grading, paving or planking, and other expenses heretofore done or incurred by him, and for completing any sale or sales, suit or suits authorized by this act, or the act to which this is a supplement, and in case the said commissioners shall have estimated the expense of grading, paving or planking in any street or avenue, at a greater sum than the same shall actually cost, and shall have collected the same, then the excess of such estimates beyond the actual cost, shall be divided, pro rata, among the owners of lots fronting on such street or avenue, in the same proportion in which the same was assessed; and in case the said commissioners shall have estimated the said expense in any street or avenue at a less sum than the actual cost, then the said commissioners shall assess the amount of such deficiency upon the lots fronting on such street or avenue, in proportion to the extent of front of the lots fronting on said street or avenue, and the superintendent shall collect the same, in the same manner as herein authorized in section four of this act.

Contracts
for work to
be given to
lowest bidder.

6. *And be it enacted*, That all work for grading, paving or planking cross-walks shall be done hereafter by contract, to be given by said commissioners to the lowest bidder who shall give satisfactory security to said commissioners by bond, in double the amount of the bid, conditioned for his faithful performance of the contract; and proposals for such

contracts shall be advertised for by said commissioners, in five public places of said township, at least thirty days before deciding upon said proposals.

7. *And be it enacted*, That if any owner or owners of any lot or lots on which any assessment shall have been or shall hereafter be made in pursuance of this act, shall deem himself, herself, or themselves aggrieved by such assessment, it shall be lawful for such owner or owners to present a petition to the court of common pleas of the county of Passaic, at the next term after such assessment, setting forth the facts and the grievance complained of, and the said court shall thereupon appoint a referee, who shall, on due notice to the parties, proceed to hear their allegations and evidence, and shall report his conclusions thereon to said court, and said court shall thereupon make such order in the premises as they shall deem just and proper; if such order shall confirm such assessment in all respects then the appellant shall pay the costs of such appeal, to be taxed as in case of appeals from the judgment of a justice of the peace, but if the court shall decide that such assessment is excessive, then the said court shall tax costs in like manner against said commissioners, and in either case shall issue execution for the amount of such costs.

Proceedings in case of grievance.

8. *And be it enacted*, That all grades hereafter to be established in the streets or avenues of the village of Passaic shall be established by the superintendent, with the approval of the commissioners, and so much of the act to which this is a supplement as is inconsistent with this act be, and the same is hereby repealed.

Grades.

9. *And be it enacted*, That the said commissioners shall not pay any bills presented by the said superintendent, neither shall the said superintendent recover for any grading, paving, or planking or other expenses until he shall have verified said bill by his affidavit attached thereto, that the same is just, true and correct to the best of his knowledge and belief.

Superintendent to make oath.

10. *And be it enacted*, That the said superintendent shall keep a book called the lien record, in which he shall enter a description of the lots and the amount claimed to be a lien thereupon, for which he shall be allowed eight cents per folio, to be estimated as a part of the expenses of grading and paving cross-walks, which book shall be open for the inspection of the public between ten o'clock, A. M., and three o'clock, P. M., at the superintendent's office.

Books of liens to be kept.

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

Approved March 7, 1867.

CHAPTER CIX.

A supplement to an act "to Incorporate the City of Salem."

Boundaries
of wards.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the city of Salem shall be divided into three wards in the manner following, viz: all that part of said city lying east of a line beginning at the city line in the middle of South street, and following the middle of said street by its various courses to the middle of Fenwick street; thence by the middle of Fenwick street to the middle of Parrett street; thence by the middle of Parrett street to its present terminus; and thence continuing the last course of said street to the creek, constituting the northern boundary of said city, shall be the east ward of said city; *provided*, that when the aforementioned Parrett street shall be extended, then the above described line shall follow the middle of such extended street, and its last course to the creek before mentioned; all that part of said city lying west of a line beginning at the city line, in the middle of a road being the continuation of Oak street, and following the middle of said road to Oak street; thence by the middle of Oak street to its terminus on Broadway; and thence by the last course of said Oak street to the creek aforesaid, shall be the west ward of said city; and all that part of said city, lying between the two above described lines shall be the middle ward of said city.

Ward officers.

2. *And be it enacted*, That the ward officers shall be for each ward, three common councilmen; one chosen freeholder; three trustees of public schools; one overseer of the poor; three commissioners of appeal in cases of taxation; two surveyors of the highways; one or more pound-keepers; one constable, and one clerk, who shall be clerk of election; the aforesaid commissioners of appeal shall meet as provided in the act to which this is a supplement, to hear and determine all cases of appeal.

3. *And be it enacted*, That the present common councilmen

shall hold their offices for the terms for which they were respectively elected; and that at the charter election of said city next after the passage of this act, there shall be two common councilmen elected in the east ward of said city, one to serve one year, and the other to serve three years; one common councilman shall be elected in the middle ward of said city to serve three years; and two common councilmen shall be elected in the west ward of said city, one to serve two years and the other to serve three years, and annually thereafter, there shall be elected one common councilman in each ward of said city, who, together with all the officers herein provided for, shall hold their offices for the same time, and be vested with the same powers, and subject to like conditions as is now provided for like officers in the act to which this is a supplement. Terms of office.

4. *And be it enacted*, That the inspectors of registry elected at the last general election for the first polling district of said city shall be the inspectors of registry during their official term for the east ward thereof; those elected for the second polling district of said city shall be the inspectors of registry during their official term for the middle ward, and the common council shall appoint at least one week before the next charter election, three inspectors of registry for the west ward of said city, as provided in the first section of an act entitled "An act to ascertain by proper proof the citizens who shall be entitled to the rights of suffrage," approved April fourth, eighteen hundred and sixty-six, who shall act at the charter and general elections of eighteen hundred and sixty-seven, and the inspectors of registry and election shall at least three days before the ensuing charter election make out and complete registries for their respective wards, which shall be used by the said inspectors at the charter election about to be held for the year eighteen hundred and sixty-seven; *provided*, that all persons in said west ward who may have acquired the right to vote in said ward since the last general election preceding the passage of this act, and may desire to be properly registered, may apply to the inspectors of registry elected at the last general election aforesaid, for the second polling district of said city, who, upon proper proof being furnished shall enter their names upon said register. Inspectors of registry and elections.

5. *And be it enacted*, That at the ensuing charter election for the year eighteen hundred and sixty-seven, and annually thereafter, a city solicitor shall be elected for the city of Provide.

Salem by the voters thereof in addition to the officers now authorized by law.

Repealer.

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

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

Approved, March 7, 1867.

CHAPTER CX.

An act to incorporate the Dover Mining and Exploring Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alpheus Beemer, James H. Neighbour, John C. Jardine, Isaac B. Jolley, Ephraim Lindsley, George Gage, Elias M. White, Anson G. P. Segur, George Richards, Joseph C. Chandler, Alexander Elliot, Edward A. Stickle and Henry C. Byram and their successors and assigns be and they are hereby created a body politic and corporate by the name of the Dover Mining and Exploring Company, and that they and their successors by that name shall be able and capable in law to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments within this state, and goods and chattels of whatsoever kind and quality necessary for the purpose of carrying on their business, and the same or either or any part thereof to sell, grant, demise, alien and dispose of, and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to every corporation.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and it shall be lawful for said company to issue certificates in whole or in part payments for any real or personal estate purchased or leased by said company for the purpose of their business.

3. *And be it enacted*, That the property and affairs of their company shall be managed by a board of directors of not less than five nor more than thirteen stockholders, as the by-laws of said company shall prescribe, and the said board

shall organize, by appointing one of their number president and also by appointing a secretary and such other subordinate officers as they may deem necessary and proper, and their principal office shall be located in the county of Morris, in this state.

4. *And be it enacted*, That the said company shall have power to dig, search for, operate and explore mines, ores and minerals, earth and metallic substances of every description in this state, also to manufacture said ores or minerals into merchantable articles in this state, and that the amount of the capital stock may be increased from time to time by order of the board of directors, but shall at no time exceed the sum of five hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall appoint, and that the directors and president shall hold their respective offices for one year, and until others are legally appointed in their stead. Capital stock may be increased.

5. *And be it enacted*, That the election of directors shall be held at such place as the board of directors or their by-laws shall from time to time designate; that the first board of directors shall hold their office until the first day of January, eighteen hundred and sixty-eight, or until others shall be chosen in their stead; and that Alpheus Beemer, James H. Neighbour, John C. Jardine, Isaac B. Jolley, Ephraim Lindsley, George Gage, Elias M. White, Anson G. P. Segur, George Richards, Joseph C. Chandler, Alexander Elliott, Edward A. Stickle and Henry C. Byram shall be the first directors of said company. First directors.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock, at such times and places in the county of Morris as a majority of them shall appoint, giving ten days' previous notice to that effect in one or more of the newspapers published in said county; and when one hundred shares of said capital stock shall have been subscribed for, and five dollars on each share shall have been paid to said commissioners, they shall call a meeting of the subscribers of said stock for the purpose of organizing the company; and the said commissioners shall deliver to the president of said company all moneys, books and papers in their hands as such commissioners. Commissioners to receive subscriptions to capital stock.

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for in Powers of directors.

such amounts and at such times as they may direct, giving to each subscriber twenty days' notice thereof, either personally or by publication of such notice for ten days in some one or more newspapers published in said county of Morris, and also to forfeit to said company all shares upon which default in paying instalments shall arise and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

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

Approved March 7, 1867.

CHAPTER CXI.

A supplement to an act entitled "An act to incorporate the American Velvet Company," approved February ninth, eighteen hundred and sixty-five.

Place of
business.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said American Velvet Company be and they are hereby authorized and empowered to carry on their manufacturing business anywhere in the state of New Jersey, and to keep their regular books of account and hold the election of their directors wherever said manufacturing business is carried on.

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

Approved March 7, 1867.

CHAPTER CCXII.

A further supplement to an act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane," approved February twenty-third, eighteen hundred and forty-seven.

Assistant
resident
physician.

I. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the managers of the State Lu-

natic Asylum be and they are hereby authorized on the nomination of the superintendent, to appoint a second assistant physician, who shall reside in the asylum, and be designated one of the resident officers thereof.

2. *And be it enacted*, That the sum limited in the fourth section of the act to which this is a supplement, for the aggregate amount of the annual salaries of the resident officers and treasurer of the asylum, be and the same is hereby increased to eight thousand dollars. Salaries increased.

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

Approved March 7, 1867.

CHAPTER CXIII.

A further supplement to an act entitled "An act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial," 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 moneys arising from any sale made under the provision of the act to which this is a supplement, may be invested in real estate within this state, worth with the improvements thereon double the amount invested or may be invested in the public securities of the United States, or of the state of New Jersey. Money how invested.

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

Approved March 7, 1867.

CHAPTER CXIV.

A further supplement to an act entitled "An act to provide for the removal of obstructions to the free course of the waters in the Rockaway River, and Whippany River, in

the county of Morris," approved March twenty-three, eighteen hundred and fifty-nine.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lands subject to the acts and proceedings authorized or directed by the act above named, and the supplement thereto, approved March twentieth, eighteen hundred and sixty-three, and by this act, shall be all the flowed lands on both sides of the rivers herein mentioned, within the limits hereinafter stated, namely: from the mouth of the Rockaway river to the mouth of the new Whippany river, dug across Leonard's meadow; thence upon the same to the old Whippany river, and so on up the same, as far as the road running from Samuel M. Hopping's to Hanover, also on both sides of the old channel of Whippany river from its junction with the new channel of Whippany river to where it empties into Rockaway river.

Lands to be drained. 2. *And be it enacted*, That the managers shall have power, and authority is hereby given to them, to widen, deepen and straighten the channels of said rivers, or of any of them, within the limits aforesaid, at such point or points and to such extent as they may deem necessary for the purposes of properly and effectually draining the said flowed lands; and to take, use and occupy so much land as may be necessary for those purposes, upon making compensation therefor as hereinafter provided.

Survey and map to be made of flowed lands &c. 3. *And be it enacted*, That the managers within nine months after the passage of this act shall make, or cause to be made a survey and a map of all the flowed lands and of all the low lands which will be benefitted by removing the obstructions from, or by widening, straightening, or deepening the channels of said rivers, or any of them, and shall show on the said map the boundaries and quantity of land held by each owner to be benefitted as aforesaid, and also the alterations intended to be made in the channels of said rivers, or any of them, which having been signed by the managers or a majority of them and proved by the oaths of the said managers or a majority of them, to be a true survey and map made according to the directions of this act to the best of their judgment, skill and understanding, shall be filed within nine months from the passage of this act, and kept thereafter in the office of the clerk of the county of Morris as a public record; and any copy thereof, certified by the said clerk under his hand and seal, shall be received in evi-

dence in all courts and for all purposes for which the said survey and map could or would be received in evidence; *provided however*, in order to permit the making of alterations not contemplated when said map shall be made, that the manager, after said map and survey have been made and filed, may make such alterations in the channels of said rivers or any of them, as they may deem necessary and advantageous, notwithstanding such alteration has not been marked or indicated on said map. Proviso.

4. *And be it enacted*, That after making and filing the said survey and maps, it shall be the duty of, and the said managers or a majority of them, shall have power to assess such sum of money as may be necessary to defray the expenses of the alterations aforesaid in the channels of the streams aforesaid, and of every of them, and of the survey and maps and all other expenses attending the procurement and execution of this act, upon the lands to be benefitted as aforesaid to each owner thereof, in proportion to the number of acres owned by each and the amount of benefit each will receive; a copy of which assessment shall be put up at four of the most public places in the immediate neighborhood of said lands and shall also be published for two weeks successively, in one of the newspapers printed and published in Morristown, and after having so published the said assessment, the said managers or any of them, shall and may receive of each and every of the said owners of said lands, such sum or sums, so by them assessed, and on neglect or refusal of the payment thereof for the space of forty days after such notice and publication as aforesaid, it may be lawful for such managers, or any two of them, to make return of the delinquents 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 delinquent may reside, or can be found, which justice of the peace, upon the oath or affirmation of one of the managers that said assessment, with notice to pay the same, has been posted and published in the manner provided in this act, shall issue his warrant of distress as authorized and required by the fourth section of the act to which this is a supplement, and such proceedings shall be had upon said warrant as in and by said act are authorized. Powers and duties of managers.

5. *And be it enacted*, That after the moneys assessed as aforesaid, shall have been collected, (so far as the same can be collected), and shall have been expended for the purposes Assessments.

aforesaid, for the purpose of keeping said water courses free, clear, and in order, and repair, other assessments may be made from time to time, and for such sums as shall be voted and ordered by a majority of the owners of said lands present, and voting at any meeting of said owners, held pursuant to this act, and the act to which this is a supplement, which sum or sums of money shall be assessed and collected in the manner provided in this act, and every assessment made by virtue of this act, from the time it is made until it shall be paid, shall be, and remain a lien upon the land in respect of which it was made.

Land may
be sold for
assessments
unpaid.

6. *And be it enacted*, That if any assessment made pursuant to this act, shall not be paid within the time hereinafter limited for paying the same, then the said managers, or a majority of them, instead of using the distress warrant provided in the original act to recover the unpaid assessment, may sell the land, the assessment in respect of which remains unpaid, whether the owner or owners thereof be known or not, by public sale, held at some convenient place near to said land, between twelve and five o'clock in the afternoon, first giving such notice of said sale, as sheriffs are by law required to give, of the sale of lands sold by them, on execution; and, at such sale, the said land shall be sold for the shortest term of time for which any person will pay the assessment thereon, the interest on such assessment, and the costs and expenses of sale; and upon such sale being made and money paid, the managers, or a majority of them shall make and deliver to the purchaser a deed of conveyance thereof, conveying to the purchaser of said land, for the period of time for which it shall have been sold.

Proceed-
ings when
managers
and owners
cannot
agree.

7. *And be it enacted*, That if the managers and the owner of any land which may be required to be taken, or occupied for the purposes of this act, cannot agree as to the value of the land to be taken and the damages to be sustained by taking the same, then the said managers or the owner, may apply to any judge of the court of common pleas of the said county of Morris, to appoint three disinterested freeholders, residents of said county, commissioners to appraise the value of the land to be taken, and the damages which will be sustained by taking the same, ten days notice of the application for the appointment of said commissioners shall be given by the party intending to make the application to the other party, except in cases where the owner is non-resident, or unknown, in which case, notice of such application

shall be published for three weeks in a newspaper printed and published in Morristown, the said judge shall have power to appoint such commissioners, and they before proceeding to perform the duties of their appointment shall be sworn to faithfully, justly and impartially, execute the same, they shall give to each party eight days notice of the time and place of their meeting; to view the lanes and make the assessment, if the landowner be known and in this state, otherwise, notice of their meeting shall be published for two weeks in a newspaper printed and published at Morristown, the said commissioners or a majority of them, shall, at the time and place appointed for that purpose, view the premises, hear the parties, if requested to do so, and thereupon make an award of the value of the land and damages in writing, which award shall be filed in the clerk's office of the county of Morris, and shall describe the lands taken for which said award was made, and when the sum named in said award shall be paid, or tendered by the managers to the owner of said lands, or his proportional part to the owner of each undivided share therein, the said managers and their successors, may forever after make, keep and maintain such canals, sluices, ditches, embankments and works, and do all other acts necessary for the same; *Provided*, that if the owner of any of said land for the taking of which damages have been awarded is not known and cannot be ascertained by reasonable inquiry, then the said damages may be paid to the clerk of the county of Morris for the use of such unknown person, and upon such last mentioned payment being made the said managers shall have the same rights as if the said damages had been actually paid to the real owner of the land taken. Proviso.

8. *And be it enacted*, That the compensation of the managers, hereafter, shall be at the rate of two dollars a day, for each manager, while engaged in performing the duties of a manager, and the managers now in office, namely: John N. Mitchell, B. Smith Condit, and Joseph Cook, and also the present commissioners of appeals, and the committee to examine the accounts of the managers, shall hold over and continue in office until the regular annual meeting to be held in the year eighteen hundred and sixty-eight; any owner, or possessor of any of said land, shall, hereafter, be eligible to the office of manager: For every acre of the land to be benefitted by the work authorized by this act, the owner thereof shall be entitled to one vote, which may be Compensation.

given in person or by proxy; and every meeting of the owners of said lands held according to law, at which persons owning, or representing in the aggregate, one hundred acres of said land, shall attend, shall be competent to elect officers and transact any business lawful to be done by said owners when assembled in a meeting to act under this law.

Machinery
to be prop-
erty of man-
agers, &c.

9. *And be it enacted*, That the manager shall have power to include in their assessment the cost of purchasing suitable machinery with which to do the work authorized by this act, and those to which it is a supplement; which machinery, when purchased, shall be and remain the property of the managers and their successors for the uses and purposes of this act.

Managers
shall have
corporate
powers.

10. *And be it enacted*, That said managers and their successors shall be a body politic and corporate, by the name of "The Whippany Drainage Company," and may maintain actions for any damage or injury done to their drains, ditches, water courses, embankments, works, machinery or property that can or could be had by the absolute owner thereof in possession; and any person who shall wilfully fill up, wholly or in part, or obstruct, or injure, or destroy, any ditches; drains, sluice, or other works, made or belonging to said company, shall, besides all damages, forfeit and pay for each offence the sum of fifty dollars, to be recovered by said company, with costs, in an action of debt.

Public act.

11. *And be it enacted*, That this act shall be a public act, and that so much and such parts of the act to which this is a supplement, and of the said supplement approved March twentieth, eighteen hundred and sixty-three, as are or is inconsistent with, or contrary to the provisions of this act, be and the same are hereby repealed; and that this act shall take effect immediately.

Approved March 7, 1867.

CHAPTER CXV.

An act to incorporate the Pemberton Marl Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Albert W. Markley, William H. Gatzmer, John C. Bullit, Samuel R.

Gaskill, John Dorrance, Charles S. Grant, and Charles P. Stratton, and their associates, heretofore known as the "Pemberton Marl Company," and their successors, are hereby declared to be a body politic and corporate by the name of the Pemberton Marl Company.

2. *And be it enacted*, That the amount of the capital stock of said company shall be three hundred thousand dollars, to be divided into shares of fifty dollars each, to be deemed personal property, which shall be deemed transferable only on the books of this corporation.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they, or a majority of them, shall think proper; and at the time of subscribing for said stock five dollars on each share shall be paid to said commissioners, either in money or property, real or personal, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such instalments, and at such times and places, or to such person or persons, as the directors of said company shall from time to time direct, by giving twenty days notice in a newspaper printed and circulating in the counties of Burlington and Camden; and upon failure of payment thereof the said directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments or any of them, to and for the use of said company; and whenever twenty-five thousand dollars of the capital stock aforesaid shall have been subscribed such commissioners shall, as soon as deem it expedient, give like notice of a meeting of the stockholders at such time and place as they may designate, to choose seven directors, a majority of whom shall be residents of this state, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the owner thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall as soon as may be after every election choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may

be filled for the remainder of the then current year by the said board of directors.

May hold
marl beds
&c.

4. *And be it enacted*, That the said company when organized as aforesaid shall be and they are hereby authorized to purchase, take, have, hold, occupy and convey such and so many marl beds as they may deem proper in the county of Burlington, or elsewhere, and to open and work the same and to transport the marl taken therefrom, and lime and other fertilizers from place to place and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and their principal office shall be in the county of Burlington.

May borrow
money.

5. *And be it enacted*, That it shall be lawful for the directors of said company from time to time to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, and other property of said company.

When to
take effect.

6. *And be it enacted*, That this act shall take effect so soon as the said the "Pemberton Marl Company" at a meeting of the stockholders to be called for that purpose shall by a resolution signify their acceptance thereof as the charter of said company; and that nothing in this act contained shall be construed to alter or impair the rights, liabilities and contracts of the said company under its present organization.

Approved, March 7, 1867.

CHAPTER CXVI.

A further supplement to an act entitled "An act to incorporate the Jefferson Machine Works," passed February fifteenth, eighteen hundred and thirty-eight.

Increase of
capital
stock auth-
orized.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That "the Rogers Locomotive and Machine Works," formerly styled the Jefferson Machine Works, are hereby authorized to increase the capital stock of said company, at such time or times, and in such amount or amounts as to the directors thereof shall seem proper; *pro-*

vided, that the same be not increased to a sum amounting in the whole to two millions of dollars for the whole capital stock, which stock shall be subscribed for and distributed in such manner as said directors may direct. Proviso.

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

Approved, March 11, 1867.

CHAPTER CXVII.

An act to legalize the deed of land made by the Trustees of the First Methodist Episcopal Church in the village of Washington, to Frances Warnsley, wife of John Warnsley, of Washington, in the county of Warren.

WHEREAS, the trustees of the First Methodist Episcopal Church, in the village of Washington, for and in consideration of one thousand five hundred and seventy-five dollars did, by deed made on the twenty-fourth day of May, anno domini, eighteen hundred and sixty-six, convey to Frances Warnsley, wife of John Warnsley, of the township of Washington, in the county of Warren, the house and lot situate in the village of Washington, county of Warren, lying along the Washington turnpike road, adjoining lots of John V. Matteson and others commonly known as as the Methodist Parsonage lot, which deed was signed by James H. Goff, president of the board of said trustees, and which was duly acknowledged before David P. Shrope, a master in chancery. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed shall be valid and binding, and that all the right, title and interest of said church in said lot shall vest in and belong to the said Frances Warnsley, her heirs and assigns forever. Deeds legalized.

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

Approved, March 11, 1867.

CHAPTER CXVIII.

Supplement to an act to provide for the collection of taxes in the townships of Haddon and Newton, in the county of Camden, approved April sixth, eighteen hundred and sixty-six.

Preamble.

WHEREAS, the township collector of the township of Newton, in the county of Camden, did make certain levies upon the property of various persons residing in or owning property in said township, in order to collect delinquent taxes, in the year eighteen hundred and sixty-five, and the township committee of said township did order an alias tax warrant to be issued for the collection of the same, and did release the said township collector from any further liability for said uncollected taxes, therefore,

Acts of committee legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the action of the township committee is hereby legalized and confirmed, and the said collector is hereby released from all liability for said uncollected taxes.

Duties of constable.

2. *And be it enacted*, That the said constable to whom the aforesaid alias tax warrant is directed, shall have power and he is hereby authorized to make new levies in lieu of those made by the aforesaid township collector for the collection of delinquent taxes, any law or usage to the contrary notwithstanding.

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

Approved, March 12, 1867.

CHAPTER CXIX.

An act to incorporate the Diamond Beach Park and Hotel Association of Cape May County.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis McIlvain, Charles A.

Rubicum, George Bockius, John F. Smith, John Davis, Jacob F. Cake, W. W. Ware, John West, Aaron Miller and George J. Bolton, and their associates, be and they are hereby created a body politic and corporate by the name of "The Diamond Beach Park and Hotel Association of Cape May county," and by that name shall have power to acquire by purchase, gift, grant, devise or bequest any real and personal estate in said county of Cape May which may be necessary for the purpose of said corporation, and to grant, bargain, sell, mortgage, lease or otherwise dispose of the same or any part thereof; and said association shall have all the rights and powers incident to corporations under the laws of this state.

2. *And be it enacted*, That the capital stock of said association shall be thirty thousand dollars, divided into shares of one hundred dollars each, which shall be paid in at such times, in such manner, and by such instalments as the directors of said corporation may direct, and such shares shall be deemed personal property, and shall be transferable in such manner only as said corporation by its by-laws may prescribe, which capital stock may be increased at any time hereafter by said corporation to any amount not exceeding fifty thousand dollars.

3. *And be it enacted*, That it shall be lawful for said corporation to issue preferred stock and to prescribe from what portion of the income of said corporation the dividends thereon shall be paid, and to regulate the issue and form thereof and the terms for the payment of dividends thereon.

4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said association, at such times and places and in such manner and amounts as they or a majority of them shall determine, first giving notice thereof for at least two weeks in some newspaper published in this state; and as soon as fifty shares of the capital stock of said corporation shall have been subscribed, the stockholders of said corporation shall elect not less than three nor more than five of their number to serve as directors of said corporation for one year, and until others shall be elected in their stead, and any vacancies in said board of directors shall be filled by the remaining directors; said directors when elected as aforesaid shall have power to choose, select and employ such officers as they may deem necessary,

to make such by-laws only and regulations for the government of said corporation as they may think proper, to lay out and construct upon the grounds of said corporation walks, drives and roadways, and to erect buildings, fences and enclosures thereon, to prescribe rules for admission to the grounds and buildings of said corporation; and said directors shall have power to forfeit and sell any share or shares of stock in case default be made with payment of any assessment or instalment thereon within the time prescribed by the by-laws; and for the purpose of maintaining order said directors shall have police jurisdiction over the grounds and buildings of said corporation, and over the grounds adjacent thereto, within one mile of the boundaries of the lands of said corporation; and said directors shall have power to suppress the sale of ardent spirits and other intoxicating beverages, and to prohibit every species of gambling within said limits.

Police powers.

5. *And be it enacted*, That for the purpose of preserving peace and good order upon the grounds and within the limits heretofore specified, it shall be lawful for said directors to appoint from time to time one or more fit, proper and discreet person or persons, who having first taken and subscribed before the sheriff of said Cape May county, or one of the judges of the court of common pleas thereof an oath or affirmation, of like form as is now by law required for constables to take and subscribe, which oath or affirmation shall be filed with the clerk of said county, shall have the same power upon the grounds of said corporation and the lands adjacent thereto within the limits aforesaid, which constables now possess in criminal cases, and such person or persons shall have power to arrest all persons who shall violate any law of this state or any rule of said corporation, or who shall conduct themselves in a disorderly or improper manner, or who shall disturb or wrongfully interfere with the business of said corporation, and the person or persons so arrested shall be taken as soon as conveniently may be thereafter, before some justice of the peace of said county to be dealt with according to law.

Taxation.

6. *And be it enacted*, That the real and personal estate of said corporation shall be subject to taxation for all purposes as other lands and personal property in this state, but the capital stock and script of said corporation shall be exempt from taxation so long as no dividend is declared or paid thereon and no longer.

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

Approved, March 12, 1867.

CHAPTER CXX.

An act making appropriation for the relief of the Keeper of the State Prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seventy-five thousand dollars be and is hereby appropriated to the use of the state prison keeper, for the purpose of paying the present indebtedness (some forty thousand dollars as per state prison committee's report), and defraying such other expenses of the state prison during the current year of eighteen hundred and sixty-seven.

Appropriation of seventy-five thousand dollars.

2. *And be it enacted*, That the state treasurer shall pay to the said keeper, out of any funds in his hands not otherwise appropriated, the sum of seventy-five thousand dollars.

Treasurer to pay.

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

Approved March 12, 1867.

CHAPTER CXXI.

Supplement to an act entitled "An act to authorize the inhabitants of the village of Matawan to improve the sidewalks and to lighten and sprinkle the Main street of said village," approved March twenty-eighth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lands now owned by the heirs at law of Rulif V. Schanck, deceased, and the lands owned by Dudley P. Bailey, situate on the line of the main street of said village of Matawan be and the same are hereby, exempted from the provisions of the act to which this is

Exemption.

Proviso.

a supplement; *provided*, that this act shall not affect or prevent the collection of any assessment or assessments made before the passage of this act.

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

Approved, March 12, 1867.

CHAPTER CXXII.

An act appointing Commissioners to lay out Streets, Avenues and Squares in the City of Elizabeth.

Names of
commissioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Francis Harris, James B. Burnett, James Moore, Jacob Davis and Alexander M. W. Ball, are hereby appointed commissioners for the purpose of performing the several acts and duties prescribed in this act, and the said powers and duties of the said commissioners shall be exercised and discharged within two years next after the passage of this act; and in case of the death, resignation, neglect or refusal to serve, or removal from the city, or any of the commissioners so appointed, the governor of the state of New Jersey shall fill the vacancy thereby occasioned.

Power to
lay out
streets and
avenues.

2. *And be it enacted*, That it shall be lawful for said commissioners, or a majority of them, and they shall have and possess the exclusive power to lay out streets, avenues and public squares within the said city of Elizabeth, of such width, extent and direction, as to them shall seem most conducive to the public good; and to close any streets, avenues, roads, highways, lanes, alleys or squares, or any parts thereof, which have been heretofore laid out, and have not been duly surveyed and recorded as public streets, avenues, roads, highways, lanes, alleys or squares, according to law, within the said city, and no square or plot of ground made by the intersection of any streets or avenues to be laid out by the said commissioners, shall after the streets around the same shall have been opened be divided by any avenue, lane, alley, street or thoroughfare; and it shall be the duty of the said commissioners to lay out the leading streets and principal avenues of a width not less than sixty feet, and the said

commissioners shall not in any case lay out any street or avenue of less than fifty feet in width, unless the same shall be a continuation of a street or avenue already laid out and opened according to law.

3. *And be it enacted*, That it shall be lawful for said commissioners, and all persons acting under their authority, to enter into and upon any lands, tenements or hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out and opening of any street, avenue or public square as aforesaid, and the said commissioners, or a majority of them, shall cause maps, plans and surveys to be made from time to time of the streets, avenues and public squares so laid out by them, or the alteration in any streets, avenues, squares or lanes already laid out, and the commissioners, or a majority of them, shall take the elevation of the several intersections of streets or squares above high water mark, or so many of them as they may think sufficient, and such other levels as may be necessary for the establishing a system of grades for said streets, and shall cause profiles to be made which shall be filed in the office of the city clerk of the city of Elizabeth, together with such notes and remarks or explanations as may be necessary to render the same explicit and intelligible.

Commissioners to cause maps to be made.

4. *And be it enacted*, That the said commissioners shall, before they enter upon their duties, severally take and subscribe an oath or affirmation before the said city clerk of Elizabeth, or some person authorized to administer an oath, that they will faithfully and impartially execute the duties of their office to the best of their ability, which oath or affirmation shall be filed in the office of the said clerk of the said city of Elizabeth.

Oath to be made.

5. *And be it enacted*, That the maps, profiles, plans and surveys of the said commissioners, so to be made by them, or a majority of them, shall in all respects be final and conclusive, as well in respect to the mayor and city council of the said city of Elizabeth, as in respect to the owners and occupants of the lands, tenements and hereditaments within the said city, and in respect to all persons whomsoever, from the filing of such maps, profiles, plans and surveys, or any distinct or separate part or parts thereof, in the office of the said city clerk of the said city, and the said commissioners shall cause duplicate maps of the said city to be made on a reduced scale and in a less number of distinct and separate parts, but in all other respects similar to the aforesaid maps

Maps to be conclusive and to be filed.

filed in the office of the city clerk of the city of Elizabeth, which maps shall be attested by the signatures of the said commissioners, or a majority of them, and be filed, one in the office of the clerk of the county of Union, and the other of said maps to belong to the mayor and city council of the city of Elizabeth, and to be filed in the office of the said city clerk.

Powers of
commissioners

6. *And be it enacted*, That the said commissioners in laying out such streets, avenues and public squares, shall have regard to the streets, avenues, highways and public squares already laid out in the said city according to law, so as to make the same conform thereto, as far as in their judgment may be practicable and consistent with the public convenience, to the end that uniformity may be produced and the permanent interests of the city consulted in laying out the streets, avenues and public squares aforesaid; and to secure such uniformity, the said commissioners may designate and determine the changes or alterations in the width, lines and course of any avenue, lane, highway, street or square already lawfully laid out in said city; *provided*, that no street, avenue, lane or highway already lawfully laid out, shall be altered, widened or closed until the payment or tender of payment of the damages assessed to the owner or owners of any lands or real estate, by reason of the closing, altering or widening of any such street, avenue, lane or highway, which assessment of damages and payment and benefits by reason of such change shall be made by the said commissioners in the same manner as may be required by law for the estimate and assessment of damages and benefits to owners of lands taken for the opening of streets or avenues in said city.

Proviso.

Streets and
avenues.

7. *And be it enacted*, That the said streets, avenues and public squares shall be opened and regulated and converted to the public use forever; and the said lanes, streets, avenues and highways shall be widened, altered or closed in the manner herein designated.

Estimate
and assess-
ments of
damages
to be made.

8. *And be it enacted*, That whenever proceedings shall be taken by the said commissioners for the opening of any street, avenue or public square laid down on any of the aforesaid maps, plans or surveys, or for the alteration, widening or closing of any street, lane or highway determined upon by said commissioners and laid down on any of the aforesaid maps, plans or surveys, it shall not be lawful for the city council of the said city of Elizabeth to

make an estimate and assessment of the damages which any owner or owners of any lands and real estate will sustain, or of any benefits thereby accruing to such owner or owners by the opening of such streets, avenues or public squares, or the alteration, widening or closing of any street, avenue, lane or highway, to allow any sum or compensation whatsoever for any building or buildings or improvements of any kind or description, which at any time subsequently to the filing of the aforesaid maps, plans or surveys may have been built, placed or erected, or made in part or in whole on any such street, avenue or public square or street, lane or highway, but compensation and recompense shall be made to the owner or owners thereof and the parties interested therein, for all buildings and improvements built, placed, erected wholly or in part, upon any such street, avenue, public square, lane or highway so to be opened, closed or altered at any time before the filing of the aforesaid maps, plans or surveys.

9. *And be it enacted*, That the said commissioners shall receive the sum of three dollars per day, in addition to all charges and expenses for making the said maps, plans, surveys, monuments and notes, and the surveyors and assistants necessary for the performance of the duties required under the provisions of this act, and office rent and other expenses of said commissioners, and they shall have power to employ such person or persons as they may deem proper as clerk or otherwise to carry out the provisions of this act, and the money or moneys required for the purposes aforesaid, shall be paid to the said commissioners by the mayor of the said city of Elizabeth on the warrant of the chairman and clerk of said commissioners. Compensation.

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

Approved, March 13, 1867.

CHAPTER CXXIII.

A further supplement to an act entitled "An act to incorporate 'The Wequahick Lake Association,'" approved March twenty-third, eighteen hundred and fifty-nine.

Legalizing
election of
directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election for directors of the said "The Wequahick Lake Association," heretofore had, and all the acts and proceedings of the said directors, shall be and the same are hereby declared to be in all respects as legal and valid as if the sum of thirty thousand dollars of the capital stock of said company had been subscribed, and the sum of ten thousand dollars actually paid in before the said election for directors took place.

Power to
lease and
purchase
land.

2. *And be it enacted*, That the term within which it shall be lawful for the commissioners of said association or the directors thereof, to lease or purchase land to carry out the objects of the association, shall be and the same is hereby extended to three years from and after the passage of this act, and the said commissioners or the directors are hereby authorized and empowered to cause a new map to be filed in the office of the Register of the county of Essex for any lands which may be by them required in addition to that already laid down and shown on maps now on file in said Register's office.

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

Approved, March 13, 1867.

CHAPTER CXXIV.

A supplement to the act entitled "An act to relieve and sustain The Soldiers' Children's Home," approved March seventh, eighteen hundred and sixty-six.

Appropriation of eight
thousand
dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further sum of eight thousand dollars is hereby appropriated to pay for the amounts

already due and owing for the construction of the buildings erected under the provisions of the act to which this is a supplement, and to put up inside fences, plant trees and lay out and improve the grounds; and that the treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for that purpose, not exceeding eight thousand dollars, the comptroller of the state shall audit the additional accounts of said commissioners.

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

Approved, March 14, 1867.

CHAPTER CXXV.

An act to incorporate the Sussex Valley Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Whitaker, John Loomis, Simeon M. Coy, [A.] Kendall, James W. McCoy, Jonathan S. Dewitt, John E. Adams, Mordecai Wilson, junior, Lebius Martin, Lewis Dunn, William Owen, Jacob Martin, Marshall Hunt, Isaac Wildrick, Aaron Keyser, and Aaron O. Bartow, and such other persons as shall be associated with them, shall be and they are hereby constituted a body politic and corporate by the name of "the Sussex Valley Railroad Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of and holding or conveying any real or personal estate, shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

2. *And be it enacted*, That the amount of the capital stock shall be one hundred and seventy-five thousand dollars, with liberty to increase the same from time to time to

Names of
corporators

Amount of
capital
stock.

any amount not exceeding five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and be transferable in such manner as the said company shall by their by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time and times and in such place or places as they or a majority of them may deem proper, giving at least fifteen days' notice of the same in two newspapers published in Newton, in the county of Sussex, and at Belvidere, in the county of Warren, and that at the time of subscribing, five per centum shall be paid for each share subscribed, to the commissioners or some persons appointed by them, and that the residue of the subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and directors of said company shall from time to time direct; by giving fifteen days' public notice thereof as aforesaid, and upon failure of payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the company.

Election of directors.

4. *And be it enacted*, That as soon as forty thousand dollars of the capital stock shall be subscribed, said commissioners shall give the like notice of at least fifteen days, 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 the annual election of said corporation, shall, as soon as may be, after every election, choose out of their own number a pres-

ident, 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 said corporation shall provide.

5. *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 the election may be had at any other time on the notice of fifteen days as aforesaid; and the directors for the time being shall continue in office until others are elected in their stead. Not to be dissolved by failure to elect.

6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the capital stock aforesaid, and the property, estate and effects of the said corporation, and also shall have power to appoint such superintendents, officers, clerks, and servants as to them shall seem meet and proper, and to fix and establish such salaries to them and also to the president, as to the said board of directors shall appear proper. Powers of directors.

7. *And be it enacted*, That the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the county of Sussex, on the boundary line between this state and the state of New York, within three miles on either side of where the Wallkill stream crosses said boundary line to or near the village of Deckertown in said county, with the power and privilege of extending said railroad, on the most feasible route, from said point at or near the village of Deckertown, by the way of the Paulinskill valley through the counties of Sussex and Warren, to a point at or near Columbia, on the Delaware river, in the county of Warren, and to intersect with any railroad crossing said Delaware river, by and with the consent of said company so to be Power to construct road.

connected with, and with power to said company to connect their road with any railroad constructed or to be constructed in the county of Orange, in the state of New York, by and with the consent of said company in Orange county, with the privilege of constructing such spurs and branches thereto as may be necessary to intersect with any other railroad or railroads now constructed or hereafter to be constructed in the county of Sussex, or to any mines, iron works or stone quarries, in the said county of Sussex, subject to the restrictions herein contained; and said railroad may be in four divisions, that is to say, one division from the beginning of said road on the boundary line between this state and the state of New York to or near the said village of Deckertown; and one division extending from the village of Deckertown to intersect with the railroad now being constructed to the village of Branchville, in the county of Sussex; and one division to extend from the said intersection with the road being constructed to the said village of Branchville to a point at or near the village of Marksboro, in the county of Warren, with the right to said company to cross the said road leading to Branchville on the same grade; and one division to extend from said point at or near Columbia on the Delaware river aforesaid, and to intersect with any railroad crossing the Delaware river; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places, where, from the depth of the excavations or the height of the embankments, 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, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said company, their servants, agents, engineers and superintendents, or others in their employ to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road 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, or workmen and others in their employ to enter upon, take possession of, hold, use,

Proviso.

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 necessary or suitable 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 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.

8. *And be it enacted,* That all lands and real estate thus entered upon by said company, and which are not donated to said corporation, shall be purchased by the said company of the owner or owners thereof, at the price to be mutually agreed upon between them; and in case the said company cannot agree with the owner or owners of such required lands 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 railroad, 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 is disinterested in the premises, who shall cause the said company to give notice thereof to the parties interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice 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 lands or materials, and to assess the damages upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commis-

Proviso.

Proceed-
ings when
company
and owners
cannot
agree.

sioners (having first taken and subscribed an oath or affirmation before some person authorized to administer the same faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and 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 and materials and damages aforesaid, which shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed thereafter, together with the aforesaid description of the land and materials and the appointment and oaths, or affirmations aforesaid, in the clerk's office of the county in which the lands and 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 and materials, or of the said owner or owners to recover the amount of said valuation, with interest and cost in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time 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 the 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 owner or owners of any of the land and materials feel himself or themselves aggrieved by the commissioners aforesaid, he, she or they may appeal to the first or second term of the circuit court in the county wherein the said land or materials may lie, after filing of the said report to no other term.

9. *And be it enacted*, That every appeal from the decision of said commissioners appointed under the preceding sec-

tion, shall be in the form of a petition to the said circuit court and filed with said court, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the controversy to be formed between the said parties and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said 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 lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, the judgment thereon, with costs, shall be entered against the said company, and execution shall be awarded therefor, but if the said jury shall find a less sum than the said commissioners shall have awarded, the said costs shall be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad or of making any erections or improvements whatever, or otherwise 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; but in case the party or parties entitled to receive the amounts assessed by the commissioners or found by the jury, shall refuse upon tender thereof being made or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county wherein the lands lie, shall be deemed a valid and legal payment.

Proceed-
ings in case
of appeal.

Proviso.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public 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 also where the said railroad shall intersect any farm or lands of any individual, to

Bridges to
be kept in
repair.

provide and keep in repair suitable and convenient wagon ways over or under said railroad, and also to build and keep in repair a sufficient fence on each side of said railroad, unless a bargain is made with the owner or owners of the land through which the said railroad passes, that they will build and keep in repair said fences; also, said company are hereby authorized and empowered to build such bridges, fix such scales and weights, raise such embankments, and make such other works which they may deem necessary for the construction, use or employment of the said railroad, and may also enter upon said roads and take possession of and use any materials necessary therefor; and if the corporation and the owner or owners of such materials do not agree as to the price of the same, it shall be determined and settled in the manner heretofore provided for in the case of real estate or land.

May hold
real estate.

11. *And be it enacted*, That the said company may purchase, have and hold real estate, at or near the commencement and termination of the said road, or at any other point of the line of said road where the directors may think proper to establish a depot, not exceeding five acres, at each place, and may also erect and build thereon, houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for any other necessary use appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers or bridges as they may deem expedient and necessary, for the full enjoyment of all the benefits conferred by this act.

Company
may make
contracts.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or any species of property as they may think reasonable, expedient or right; and it shall also 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 incorporations, or with individuals, for constructing, maintaining or operating said railroad, for transporting or conveying any kind of goods, property, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts, and the said company 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 at the rate of Proviso. six cents per mile for carrying each passenger on said railway, and at the rate of ten cents per mile per ton for the transportation thereon of any species of merchandise, produce, property and freight, and fifteen cents per mile per ton for way freight, but no charge shall be required to be less in the aggregate than fifteen cents, and the said railway, with the appendages and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever, belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of their charter.

13. *And be it enacted*, That the president and directors Dividends. 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 railroads, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively.

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

15. *And be it enacted*, That when either of the aforesaid divisions of said railroad mentioned in the seventh section of this act shall be completed, the said company may May commence operating road. commence running cars thereon for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

16. *And be it enacted*, That as soon as the said railroad or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of Statement of cost and expenses to be filed. the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the sec-

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

May borrow money.

17. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money; *Provided*, that said sums shall not exceed two-thirds of the amount of paid up capital stock, from time to time as shall be necessary to build, construct or repair their roads, or any part of the same, and to furnish said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment of the same by bond and mortgage, or otherwise on the said road, lands, privileges, franchises, depots, cost, appurtenances of or belonging to said corporation, at a rate of interest not to exceed seven per centum per annum, and it shall not be lawful for said company to plead usury on their bonds or other securities sold by them at such prices as at the time they thought best for the interest of the company to get, but that said securities shall be good at all times against said company for their face value and the interest reserved therein.

Title to lands.

18. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for said road and its spurs and branches aforesaid, hereby authorized, the title to any such lands shall fail, or it shall appear that the title

to lands necessary for said road, and said spurs and branches, has not for any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

19. *And be it enacted*, That if the said railroad shall not be commenced within three years, and one division thereof as hereinbefore described completed within seven years from the fourth day of July next, then this act shall be void. Act, how made void.

20. *And be it enacted*, That it shall and may be lawful for the said company, at any time hereafter, to consolidate the capital stock with the capital stock of any railroad company now formed or which may at any time hereafter be formed, with which the road authorized by this act may connect. Capital stock may be consolidated.

21. *And be it enacted*, That the governor, the chancellor, and the judges of the supreme court, the secretary of state, state treasurer, the attorney general, and the judges of the court of errors of this state, when traveling for the discharge of the duties of their office, and the members of both houses of the legislature of this state, shall pass and repass on the railway of said corporation created by this act, free of charge. Who may ride free.

22. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places, and that this act shall take effect immediately.

Approved, March 14, 1867.

CHAPTER CXXVI.

A supplement to the act entitled "An act to establish a Free School at Fort Lee, in the county of Bergen," approved March sixth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement be and the same is hereby so amended as to authorize hereafter the raising of an annual district tax of any amount not exceeding one thousand dol- Amendment to the original act.

lars, in the manner and for the purposes mentioned in the said act:

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

Approved March 14, 1867.

CHAPTER CXXVII.

An act to incorporate the Arts Building Company of Newark.

Names of
corporators

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Barak T. Nichols, Frederick B. Betts, George B. Nichols, James F. Bond and Samuel Atwater, and such other persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate in fact and in name by the name of The Arts Building Company.

Election of
directors.

2. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by not less than five nor more than three directors, one of whom shall be president, all of whom shall be stockholders, and a majority of whom shall be residents of this state, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday of April in every year, at such time of the day and place as shall be provided for by the by-laws of said corporation by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be published not less than two weeks previous thereto in a newspaper published in the county of Essex, and each stockholder shall be entitled to one vote for each share of stock held in said corporation, and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to them as they shall think fit, and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever, among the directors of said company, such vacancy or vacancies shall

be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Barak T. Nichols, Frederick B. Betts, George B. Nichols, James F. Bond and Samuel Atwater. Names of first directors.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, and may be increased by the directors from time to time to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as the said Barak T. Nichols shall transfer and convey to said company the premises and real estate now owned by him, called the Dock property, in Newark, situate on the Passaic river, and lying east of a street or alley running parallel with the railroad, and near Centre street depot, and valued at seventy-five thousand dollars; and the sum of twenty-five thousand dollars of said stock paid in cash, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors to call and demand from the stockholders thereof respectively, all sums of money by them subscribed of the said capital stock, or to the increased capital at such times, and in such proportions as they shall think proper, under pain of forfeiting the shares subscribed, and if such payments shall not be made within thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in or near the place where such payments shall be required to be made. Amount of capital stock.

4. *And be it enacted*, That the said corporation is hereby authorized and empowered to construct and erect buildings and public works, and all the parts of buildings, and to provide and procure and deal in all the materials necessary therefor, and to purchase and hold such real and personal estate as may be necessary or expedient for their purposes, and to mortgage, loan, or sell the same. May hold real estate.

5. *And be it enacted*, That the said company may improve any part of the lands, sold, leased or purchased by them, by grading, paving, curbing, guttering or flagging the same, or by constructing sewers or drains, subject to the directions and regulations of the municipal authorities of any cities in which such improvements may be proposed by said company; and the said company may contract with any corporation or person or persons for the construction of any pub- Corporation authorized to make contracts.

lic works or improvements, for the purpose of improving their property, and to enable them to raise money to carry into effect the objects authorized by this act, the said company may issue their bonds to any amount not exceeding fifty thousand dollars, bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same; and to secure the payment thereof, the said company shall have power to convey, or pledge by way of mortgage, trust or otherwise, such portion of the property of said company, as the directors may deem necessary for that purpose.

Not to be
dissolved
by failure
to elect.

6. *And be it enacted*, That in case it shall happen that an election of directors should not be made at the time 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 aforesaid, as shall be prescribed by the by-laws of said corporation.

Admission.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue for twenty years, and may be altered or repealed whenever the public good requires it.

Approved March 14, 1867.

CHAPTER CXXVIII.

An act to incorporate the Union and Middlesex Counties Agricultural Society.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Vail, James Smalley, William B. Manning, Henry P. Brook, Andrew Clawson, George A. Marsh, John W. Laing, Stelle Manning, Joel D. F. Randolph and their associates and successors shall be and they are hereby, constituted a body politic and corporate by the name of the "Union and Middlesex Counties Agricultural Society."

Power to
make laws
and regula-
tions.

2. *And be it enacted*, That the said society shall from time to time have power and authority to make, alter, ordain and establish such constitution, by-laws and regulations as they or a majority of them shall deem proper for the designation of the officers of said society and the election of the same, for prescribing their respective functions and the modes of

discharging the same and generally for the transacting, managing and directing the affairs of said society; *provided*, ^{Proviso.} that such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

3. *And be it enacted*, That the said corporation may acquire, lease or purchase and use, hold, possess and enjoy such real and personal estate as they shall deem necessary ^{May hold real estate.} for the well being and to promote the interests and objects of said society and the same or any part thereof, to sell, mortgage, lease or otherwise dispose of at pleasure; *provided*, ^{Proviso.} that the real and personal estate so held by the said society at any one time shall not exceed in cost or value the sum of thirty thousand dollars.

4. *And be it enacted*, That the principal object of said society shall be to improve the condition and breed of stock, ^{Object.} and also to improve and encourage the agricultural, horticultural and the mechanical and manufacturing arts of the state.

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

Approved, March 14, 1867.

CHAPTER CXXIX.

An act to incorporate the Firemens' Insurance Company of Jersey City in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body politic and corporate by the name and style of the "Firemens' Insurance Company of Jersey City, in the State of New Jersey," and the office of the said company shall be located at Jersey City, in the county of Hudson in this state. ^{Corporate name.}

2. *And be it enacted*, That the capital stock of the 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 company by each ^{Amount of capital stock.}

subscriber to the capital stock at the time of subscription, an instalment of ten per centum 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 subscribed for, and paid in cash, said company shall not commence business.

Director to
be elected
annually.

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 resident in 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 election 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.

President
and secretary.

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 tempore, 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.

Commissioners to
receive sub-
scriptions
to capital
stock.

5. *And be it enacted*, That Blakely Wilson, Isaac J. Van Derbeck, Archibald K. Brown, William M. Force and Joseph McCoy, 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 an ad-

vertisement 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 vacancy so occasioned. Proviso.

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. Power to effect 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. Policies of insurance.

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 money shall be loaned on real es- May hold real estate.

tate unless the same is situated in this state, and to call in and reinvest the same so often as it shall be deemed necessary for the interest of the said company.

Stock trans-
ferable.

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 which may arise thereon.

Dividends.

10. *And be it enacted*, That it shall and may be lawful for the directors of the said company, to make dividends of so much of the profits of 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, 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 dividend 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 declaring of said dividend by advertising said protest within ten days thereafter, in a newspaper published and circulating in the county of Hudson.

Limitation.

11. *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.

Restrictions and
liabilities.

12. *And be it enacted*, That this corporation shall possess the general powers, and be subject 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.

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

Approved March 14, 1867.

An act to incorporate the Vineland Railway Company.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they or a majority of them may think proper, and that at the time of subscribing, five per centum shall be paid for each share subscribed for, to the commissioners or the person appointed by them to receive it, and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give notice by mail or otherwise to each stockholder for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two 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 persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president, or any director, such vacancy may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Not to be dissolved by reason of failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made, during the day, when pursuant to this act it should be made, the said corporation shall not for that cause 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.

Installments.

5. *And be it enacted*, That four directors of the said corporation shall constitute a quorum of the board, and 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 the person so forfeiting shall be responsible in addition for the balance unpaid upon his said subscription.

Power to lay out and construct road.

6. *And be it enacted*, That the directors of said company or a majority of them be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the settlement of Vineland, in the county of Cumberland, to the village of Atsion, in the county of Burlington, through Cumberland, Atlantic or Camden counties, in one direction, and from the settlement of Vineland aforesaid to low water mark in the Delaware river, in the counties of Cumberland or Salem, at such point as the said board of directors, or a majority of them shall select, and to construct such wharves, piers, slips, ferry boats and vessels, as the

business of said corporation shall require, and operate the same for the purpose of said corporation; *Provided*, that the said railroad shall not exceed one hundred feet in width, except in each place, 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, or for station houses and grounds and depots, and for ferry purposes, in which cases 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;

7. *And be it enacted*, That it shall and may be lawful for the directors of said company, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling or laying out the said route of such railroad, and of locating the same, and to make and erect all necessary works, buildings, wharves, docks, slips 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, wharves, docks, piers and all other work necessary to lay rails, and to do all other things which shall be suitable or necessary for the construction or repair of the said road and ferry, 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 or laying out said road, unless the consent of the owner or owners of such lands be first had or obtained.

8. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of 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

Proviso.

May erect
necessary
works, &c.

Proviso.

Proceed-
ings when
company
and owners
cannot
agree.

construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders and residents in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, having first taken oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid, and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road, through any improved lands over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein, which report, or a copy thereof, certified by the clerk of said court, 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 said justice, 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 of the county wherein the said lands or materials may lie.

9. *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 said 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 said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land 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 said company shall have offered or the said commissioners awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said

Proceedings in case of appeal.

Proviso.

sum found by said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise 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 said commissioners as the value of such lands and 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 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 legal and valid payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Bridges to be kept in repair.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be materially impeded thereby, and also when the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said railroad.

Rates of fare.

11. *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 the said railroad all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such 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; *pro-Provido*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than eight cents per ton per mile for the transportation of every species of property on said road in the carriages of said company.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate depots upon the line of the same, not exceeding fourteen acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other out-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 said 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. May own real estate.

13. *And be it enacted*, That the president and directors of said company shall declare and make such dividends as they may deem prudent and proper from time to time, out of the net profits of the said railroad, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively. Dividends.

14. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make such 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. Power to make contracts.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad or any part of said railroad enjoyed under the provisions of this act, or of any of the necessary works, wharves, bridges, carriages or machines of the said corporation, 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 Penalty for injury to railroad.

competent jurisdiction in any action of debt; and further, shall be liable for all damages.

When cars
may be run.

16. *And be it enacted*, That when five miles or more of the 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 all the restrictions created by this act.

Statement
of cost of
equipments
&c. to be
filed.

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

Taxes.

May bor-
row money.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, not exceeding two-thirds of the paid up capital stock, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the 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.

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

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney-general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their office, and the members of both houses of the legislature of this state, shall pass and repass on the railroad of said company, in their cars, free of charge. Who may ride free.

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

Approved, March 14, 1867.

CHAPTER CXXXI.

An act to incorporate the Hunterdon Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Pickel, Joseph Fritts, George Cook, Joseph W. Wood, John M. Voorhees, Baltes Pickel, Frederick V. L. Disborough, Hiram Deets, Isaac R. Cornell, John M. Wyckoff, Peter D. McKissack, Elisha B. Wood, Rynier S. Merrill, John R. Staats, John Blackwell, Peter A. Voorhees, Henry Race, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in law, by the name of the Hunterdon Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods, and chattels necessary or proper for the objects of the said corporation hereby created. Names of corporators

2. *And be it enacted*, That the amount of the capital stock of said company shall be five hundred thousand dollars, with the privilege to double the same, and shall be divided into shares of fifty dollars each, which shall be deemed personal Amount of capital stock.

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

Commissioners to receive subscriptions to capital stock.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to open books for necessary subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners, or a majority of them, two days in succession; the first at Flemington, Hunterdon county, and the second at Somerville, Somerset county, and shall be kept open from twelve o'clock, noon, till three in the afternoon of each day, and twenty days' notice shall be given by said commissioners of such times and places, in one newspaper printed in Hunterdon county and one in Somerset county; and if more than five hundred thousand dollars of stock be subscribed for, 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 the railroad hereinafter mentioned.

Election of directors

4. *And be it enacted*, That at the time for subscribing for the said stock, five dollars shall be paid on each share subscribed, to the commissioners, or some one of them, and that the residue of the subscriptions shall be paid in such instalments and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, by giving twenty days' notice thereof as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have the 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 the company; and whenever fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall, as soon as they deem it expedient, give like notice for a meeting of the stockholders, at such time and place as they may designate, to choose nine directors, which number may afterwards be increased to thirteen, 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 company, 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 directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

5. *And be it enacted*, That in case it should 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 dissolved, but such an election may be held at any other time, on notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their places.

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments, not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published in each of the counties of Hunterdon and Somerset; *Provided*, that no two instalments shall be demanded within thirty days of each other, and in cases of the non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise.

7. *And be it enacted*, That the president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out and construction and repair of a railroad from such convenient point in the county of Hunterdon, on the Delaware river, not to exceed six miles from Milford, and from thence to some convenient point at Flemington, in said county, to connect at that place with any railroad now or hereafter to be constructed, and to locate and form said road, not exceeding sixty-six feet in width, unless it be necessary by reason of the height of the embankment, or depth of excavation to take more land, with as many sets of tracks and rails as they may deem necessary, with power to construct and main-

Corporation
not to be
dissolved
by reason of
failure to
elect.

Install-
ments.

Proviso.

Power to
lay out and
construct
railroad.

tain necessary viaducts over all streams and rivers in the route of said road ; and it shall be lawful for said company, their agents, engineers, and other in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling or laying out said road, 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 shall have been determined on, and the survey filed in the office of the secretary of state, then it shall be lawful for said company, by its officers, engineers, contractors, workmen and others in their employ, to enter upon and take possession hold, have, use, occupy, appropriate, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repairs of said road, subject to such compensation as is hereinafter provided ; *Provided always*, that tender of payment of all damages for the occupancy of land through which the said road may be laid out, be made before the 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 the land be first obtained.

Proviso.

Proceed-
ings when
company
and owners
cannot
agree.

8. *And be it enacted*, That if the said company, or its agent or agents, shall fail to agree with the owner or owners of such lands required for the use of said road, or if by reason of the legal incapacity or incompetence of such owner or owners, or for any other reason, no such agreement shall be made, a particular description of the lands and real estate so required for the use of said company in the construction of said road shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and the name and names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the person interested, if known and in this state, and if unknown or out of this state, to make publication thereof as he shall direct, for any time 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 of notice, or of the publication of such notice

aforesaid, 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 real estate, and assess the damages sustained by the owners thereof by reason of taking the same, upon such notice, not less than twenty days to be given to the person interested, or to be published as aforesaid, as shall be directed by the justice making the appointment of such 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 oaths, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands and real estate, and to make a just and equitable appraisement or estimate of the value of the said lands and real estate, and an assessment of damages which shall be paid by the company for such lands and real estate and damages aforesaid, which report shall be made in writing, under the hands and seals of the commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands and real estate, and the appointments and oaths and affirmations aforesaid, in the clerk's office of the county where the said lands, real estate, or materials lie, to remain on record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages found or assessed, with the costs adjudged being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess, and enjoy the said land and real estate, and either of the justices of the said court shall on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice, commissioners, clerks, and the other persons performing any of the duties prescribed in this section as he may think equitable and just, and to order and direct by whom the same shall be paid.

9. *And be it enacted*, That in case the said company or owner or owners of said land or real estate, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county, by petition to the said court, to

Proceedings in case of appeal.

be filed with the clerk thereof, within ten days after the filing of the report of the commissioners as aforesaid; and notice in writing of such appeal, shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the said circuit court, or in any judge thereof, full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn, as in other cases, and a view of the premises to be had if either of the parties desire it, and the issue to be tried at the next, or, in the discretion of the said court or judge, at a subsequent 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 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 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 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 it 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 an 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

Provided.

where the said lands shall 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.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in good repair, good and sufficient bridges or passages over, across or under said road, when any public or other road shall cross the same; and also when the said road shall intersect any farm and lands of any individual, to provide and keep in repair suitable wagon ways over, under or across said railroad, so that he may pass the same; *provided*, it shall not be lawful to use any public road (except across the same in the most direct manner) for a purpose of a railroad without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such public road exists.

Bridges to be kept in repair.

11. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, 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, machine shops and other buildings and improvements as they deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the issues and profits thereof, that any corporation created by any existing law of this state may subscribe to the capital stock of this company and hold the same as stockholders therein, with the right to vote at any election of directors.

May hold real estate.

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

Penalty for injury to railroad.

13. *And be it enacted*, That the president and directors of said company shall have power to construct or purchase, and place upon their said road, all machines, engines, wagons, carriages, or vehicles for the transportation of passengers, or any species of property thereon, as they may think proper; *provided*, that they shall not charge at the rate of more

Rates of transportation.

than six cents per ton per mile for the transportation of property, or four cents per mile for carrying each passenger upon said road in carriages of said company, except that for dry goods and packages, and express freight, such reasonable rates may be charged as shall be fixed by the directors.

Dividends.

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

Statement
of cost and
expenses of
railroad, to
be filed.

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

Proviso.

May bor-
row money.

16. *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 use and objects of said company, and to secure the repayment thereof by bonds and mortgages, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corpora-

tion, at a rate of interest not exceeding seven per centum per annum, said sums not exceeding in amount two-thirds of the capital stock subscribed and paid in.

17. *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 July next ensuing, that then and in that case this act shall be void. Act, how
made void.

18. *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, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their office, and the members and officers of both branches of the legislature, shall pass and repass over the said railroad, in the cars thereof free of charge. Who may
ride free.

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

Approved, March 14, 1867.

CHAPTER CXXXII.

An act to incorporate the Paterson Co-operative Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Booth, John R. Van Houten, Daniel W. Stagg, Andrew D. Vreeland, George Greenwood, James Thompson and Ebenezer Pruden, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "Paterson Co-operative Association," for the purpose of dealing in all the necessities of life, in order to protect the laboring classes from the monopoly of speculators, and for that purpose may hold such real estate, as may be needful to carry on the business, or may accrue to them in the course thereof, and may sell, lease or otherwise dispose of the same. Names of
corporators

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, divided into shares of five dollars each, and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock in such place in the city of Paterson as a Amount of
capital
stock.

majority of them may appoint, giving at least five days notice in at least one of the newspapers published in said city.

Election of
directors.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Passaic, and managed by no less than seven nor more than nine directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year, and until others are elected in their stead, and every year thereafter, at such time and place as the by-laws may direct an election shall be held, at which election every stockholder shall be entitled to one vote for each share of capital stock held by them either in person or by proxy.

May make
by laws.

4. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require.

Dividends.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property and shall be transferred in such manner as the by-laws may prescribe, but no dividends shall at any time be made to the stockholders except from the net profits of the company.

Capital may
be increased.

6. *And be it enacted*, That the said corporation may from time to time increase the said capital to any sum not exceeding one hundred thousand dollars, giving ten days notice of their intention so to do in one or both of the newspapers printed in Paterson.

Books of
account to
be kept.

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

Restrictions
and
liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities set forth in an act concerning corporations, approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time modify or repeal the same.

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

Approved March 14, 1867.

CHAPTER CXXXIII.

A further supplement to the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, eighteen hundred and twenty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey hereby grants to the Morris Canal and Banking Company all the right, title, and interest of the state in and to the land and lands under water within the following boundaries: beginning at a point in Hudson river in the southerly line of South street extended seven hundred and sixty-five feet from the easterly line of Hudson street, and running thence (1) westerly along the said southerly line of South street to the centre line of Washington street extended, thence (2) southerly along said centre line two hundred and sixty feet, thence (3) westerly on a line parallel with South street as laid down on Mangin's map to the easterly line of Warren street extended, thence (4) southerly and along the said easterly line of Warren street extended, to a point distant four hundred and sixty feet at right angles from the southerly line of South street, thence (5) parallel with South street, easterly to a point in the centre line of Washington street extended and distant four hundred and sixty feet from the southerly line of South street, thence (6) southerly along said centre line of Washington street extended, five hundred feet to the northerly line of the property occupied by the Central Railroad Company of New Jersey, thence (7) easterly along said line seventeen hundred and thirty-five feet, and thence (8) northerly to the place of beginning; on condition that for the purpose of preserving a water basin to the west of the present westerly bulkhead on said premises and of leaving open on the premises hereby granted, a public navigation for all vessels to and from the Hudson river, and all parts of the waters west of said westerly bulkhead; the said company shall forever keep open the present gaps in the easterly and westerly bulkheads, each of one hundred and fifty feet in width, and like gaps of like width in any structure to be erected on said premises hereby granted, so that the public may with all vessels freely navigate to and from

Boundaries
of lands
under water
granted to
the Morris
canal and
banking
company.

Proviso.

Proviso.

the channel of the Hudson river and all places east and west of said westerly bulkheads without the payment of tolls or charges; *provided*, that the said opening shall be kept in such condition that the owners and occupants of shore property lying north and west of the above described property, may at all times, have free access to as well as through the same; *And provided, further*, that the said company shall, within ninety days after the passage of this act, execute and deliver to the governor of this state their promise and undertaking, under seal, unconditionally to pay into the treasury of this state, yearly, the sum of twenty-five thousand dollars per year, on or before the first Tuesday of January in each year, during the continuance of their charter, and so long as the said company, their successors or assigns, shall continue to hold or occupy the same, the first payment of a ratable portion of which shall fall due on the first Tuesday of January, eighteen hundred and sixty-eight; it shall be lawful for the said company instead of the said annual payment of twenty-five thousand dollars, to pay into the treasury of this state at any time the sum of three hundred and fifty-seven thousand one hundred and forty-two dollars.

May build wharves, docks warehouses, &c.

Proviso.

Grant to revert to the state.

2. *And be it enacted*, That the Morris Canal and Banking Company, may, under the provisions of their charter, construct piers, wharves, docks, basins, warehouses and other structures within the limits above described, and make reasonable rules and regulations for the use thereof, to enable them to carry on a transportation business in and over their canal and elsewhere, which they are hereby empowered to do, and also to afford facilities for commerce; *provided*, that the exemption of said company in its original charter from taxation, assessments or other legal impositions shall not extend to the property or privileges hereby granted.

3. *And be it enacted*, That this act shall take effect immediately, and be in force during the continuance of the charter of the said Morris Canal and Banking Company, and, at the expiration of that time, the lands hereby granted, with the improvements thereon, shall revert to the state on the same terms and conditions provided in the original charter of the said company, respecting the transfer of the property thereof to the state.

Approved, March 14, 1867.

CHAPTER CXXXIV.

An act to set off from the township of Harrison, in the county of Hudson, a new township, to be called the township of Kearney.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Harrison, in the county of Hudson, lying within the following boundaries to wit: beginning on the Essex county line in the middle of the Passaic river, and in the northerly line of the Morris and Essex Railroad Company's bridge, and thence running easterly along the northerly line of said bridge to the easterly line of the river road leading to Belleville from the turnpike road between Newark and New York; thence along the easterly line of said river road in a northeasterly direction to the centre line of Reynold's Avenue; thence in a southeasterly direction along the centre line of said avenue to the line of property belonging to the estate of William Mulock, deceased; thence in a northeasterly direction, along the line of said property of said estate, until it intersects the line of lands of James Bishop; thence in a southeasterly direction along the line of James Bishop and John Williams to the line of Daniel Ewen; thence in a northeasterly direction along the line of Daniel Ewen to the line of John Williams; thence in a southeasterly direction along the line of John Williams, till it intersect the line of Hiram W. Davis; thence along the line of Hiram W. Davis, and the line of lands belonging to the estate of General Philip Kearney, deceased, and the line of Hiram W. Davis, and the line of Stephen K. Jerolamon to the southwesterly corner of land belonging to John Dukes; thence in a southeasterly direction along the line of John Dukes till it intersects the westerly line of the copper mines road; thence in directions southwesterly and southerly along the westerly line of the copper mines road till it intersects the centre line of the turnpike road leading from Newark to New York; thence in a westerly direction along the centre line of said turnpike road to a point in range with the division line between the properties of William S. Ogden and Mrs. Wright; thence in the direction of said line and along the line of division between lands of William S. Ogden, Mrs.

Boundaries
of the town-
ship of
Kearney.

Wright, Thomas Speer and Caleb Speer, until it strikes the line of property belonging to the Morris and Essex Railroad company; thence in a northeasterly course along the division line between lands of William S. Ogden and lands of the Morris and Essex Railroad Company, to the line of lands belonging to the estate of William Wright, deceased; thence in a southeasterly direction along the division line between the Morris and Essex Railroad company, the estate of William Wright, deceased, the New Jersey Railroad and Transportation Company, and the estate of John G. Jackson, deceased, and continue in the same course to the middle of the Passaic river and Essex county line; thence following the heretofore established boundary lines of said township of Harrison, down the Passaic river, and several courses thereof, to Newark bay; thence up the Hackensack river the several courses thereof to the mouth of Saw Mill creek; thence up the middle line of Saw Mill creek, the several courses thereof, till it intersects the middle line of the turnpike road leading from Belleville to Jersey City; thence along the centre line of the last above named turnpike road in a northwesterly direction, till it intersects the Essex county line in the middle of the Passaic river; and thence down the Passaic river the several courses thereof to the northerly line of the Morris and Essex Railroad Company's bridge, and place of beginning; shall be and hereby is set off from the township of Harrison, in the county of Hudson, and made a separate township to be known by the name of the township of Kearney.

Corporate
name.

2. *And be it enacted*, That the inhabitants of the township of Kearney, shall be, and they are hereby constituted a body politic and corporate, in law, by the name of "The inhabitants of the township of Kearney, in the county of Hudson," and shall be entitled to all the rights, powers, privileges and advantages, and shall be subject to all the regulations, government and liabilities, to which the inhabitants of the other townships in said county of Hudson are or may be entitled, or subject by the laws of this state.

Annual;
town meet-
ings.

3. *And be it enacted*, That the inhabitants of the said township of Kearney shall hold their first town meeting at the Lodi Hotel, otherwise called Watkins' Hotel, in said township of Kearney, on the second Monday in April, now next ensuing, and that thereafter their annual town meetings shall be held on the second Tuesday in April of each and every year; that at their said town meetings they shall vote

by ballot until it be otherwise determined according to law, and that all the provisions and restrictions of "An act entitled an act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, eighteen hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the said township of Kearney.

4. *And be it enacted*, That the persons who shall act as judges of election, and clerk of election, at the first town meeting of the inhabitants of the said township of Kearney, shall be chosen as, in the event of the absence of the judge of election, the collector, the assessor, and the clerk of the township, is provided by law. Judges of election.

5. *And be it enacted*, That John Boyd, junior, Stephen K. Jerolaman, and William E. Skinner, shall be and they are hereby appointed commissioners, on the part of the said township of Kearney, to meet with three other commissioners on the part of the said township of Harrison, which last said commissioners shall be appointed by the town committee of said township of Harrison, previous to the second Monday in April, now next ensuing; that said meeting of said commissioners, shall take place at the house of Joseph Hopwood, in said township of Harrison, at ten o'clock in the forenoon of the third Tuesday in April, now next ensuing; that the said commissioners shall then and there proceed by writing signed by a majority of those present, to allot and divide between the said townships, all property and money on hand or due, in proportion to the taxable property and ratables as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts, if any there should be, to be paid by the inhabitants of the township of Kearney; and that, if any of the said commissioners on the part of either of said townships should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and to ascertain the said proportion of the debts to be paid by the inhabitants of the said township of Kearney, and the decision of the majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the said meeting to such time and place as a majority of those assembled as aforesaid, may think proper. Names of commissioners to allot and divide the property of the townships.

6. *And be it enacted*, That the said commissioners shall, when they shall have completed the said allotment and division, and shall have ascertained the proportion of the said debts to be paid by the inhabitants of the said township of Proviso.
Duplicate of the allotment and division to be made.

Kearney, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the said township of Harrison, to be by him filed and preserved, and the other to the clerk of the said township of Kearney for the same purpose.

Duty of the
assessor.

7. *And be it enacted*, That the assessor of the said township of Kearney shall have power, and he is hereby required and enjoined to add the said proportion of the said debts, when the same shall have been ascertained as aforesaid, together with ten per centum of the said proportion to the amount of taxes that may be otherwise by law required to be raised in said township of Kearney, for the year eighteen hundred and sixty-seven, to be assessed and collected in the same manner, and at the same time as the state and county taxes for said year, in said township of Kearney and the collector of the said township of Kearney is hereby required and enjoined to pay the said proportion of the said debts, so as aforesaid ascertained, together with the lawful interest that may be due thereon, to the collector of the township of Harrison, for the use of the said township of Harrison, out of the first moneys that shall come to his hands after deducting sufficient to pay the state and county taxes to be paid by said township of Kearney, for the year eighteen hundred and sixty-seven, and he shall take the receipt of the collector of said township of Harrison therefor, and the inhabitants of the said township of Kearney shall thereupon be free and discharged, and released of and from all liability by reason of the debts aforesaid.

When to
take effect.

8. *And be it enacted*, That this act shall take effect on the second Monday in April now next ensuing.

Approved, March 14, 1867.

CHAPTER CXXXV.

A supplement to an act entitled "An act to incorporate the Westfield and Hackensack Horse Railroad Company," approved March twenty-second, eighteen hundred and sixty.

Corporate
name

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the name of said company be changed to "The Cherry Hill Railroad Company," and 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 at or within half a mile from Cherry Hill, in the county of Bergen, to some suitable point on the Northern Railroad of New Jersey, south of Leonia station, and all the powers and privileges granted by said act, are hereby extended to apply thereto, and they shall have power to procure with the funds of the company and place and run on said railroad all such machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or any species of property as they may think reasonable; expedient or right, and may demand and receive for the transportation thereof such sums as they shall think proper, not exceeding six cents per mile for each passenger, and ten cents per ton per mile for heavy merchandise usually weighed by the ton.

changed to
"The
Cherry Hill
Railroad
Company."

2. *And be it enacted*, That the eighth section of the act to which this is a supplement, be and the same is hereby repealed.

Repealer.

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

Approved March 14, 1867.

CHAPTER CXXXVI.

An act to confirm the title of lands sold by Samuel H. Weatherby and others, trustees of St. John's Methodist Episcopal Church, at Harrisonville, Gloucester county, New Jersey.

WHEREAS, Samuel H. Weatherby, Samuel Coles, John Lipincott and Uriah Clark, as trustees of the Methodist Episcopal Church, located at Harrisonville, Gloucester county, New Jersey, did sell and convey, by deed of indenture, dated March twenty-fifth, anno domini, eighteen hundred and sixty-four, unto Charles Wriggins, a part of the church property, that part known as the parsonage, containing one half acre of land, and afterwards, to wit: on the twenty-sixth day of December, anno domini eighteen hundred and sixty-four, the said Charles Wriggins

Preamble.

did convey a part of the same lot unto Deborah Morris, by deed of indenture, &c.; *and whereas*, it has been alleged that the title to the said land so conveyed is defective, because of certain inequalities in the proceedings of the said trustees; and in order to legalize the said sale, and to confirm the titles of the said Charles Wriggins and Deborah Morris, and their respective heirs and assigns, to the said lands and real estate, so intended to be conveyed by the said trustees as aforesaid; therefore,

Acts of the
trustees
legalized
and titles
confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said lands and real estate, whereof the said Methodist Episcopal Church was seized of, and so made by the said Samuel H. Weatherby, Samuel Coles, John Lippincott and Uriah Clark, as such trustees, unto the said Charles Wriggins, and the said conveyance thereof made to him, and the said conveyance made by said Charles Wriggins to the said Deborah Morris, be, and the same are hereby confirmed, and declared to be valid and effectual in law, and to convey to and vest in the said Charles Wriggins and Deborah Morris, and their respective heirs and assigns, all the estate, right, title, and interest of the Methodist Episcopal Church in, and to the lands and real estate so sold, at the time of said sale.

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

Approved, March 14, 1867.

CHAPTER CXXXVII.

An act to incorporate "The Passaic Ice and Land Improvement Company."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harmon Hockenberry, Andrew A. Snyder, William S. Hogencamp, Richard Titus and Albert A. Hopper, and all and every person and persons who may become associated with them in the mode hereinafter prescribed and provided, and their successors are hereby made, constituted and declared to be a body corporate and politic in fact and in law, by the name, style and title of "The Passaic Ice and Land Improvement Company," and by that name

they and their successors shall have full power and authority to make and use a common seal, and alter and renew the same at pleasure, and by their said corporate name shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of judicature of this state.

2. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created shall be the gathering, procuring, storing, purchasing, buying, selling and vending ice as an article of merchandize, and the purchasing, using, improving and selling lands and property as hereinafter mentioned, and for that purpose they and their successors are hereby invested with full power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, horses, wagons, and of purchasing, using, holding, letting, improving and disposing of such real and personal estate as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains necessary or useful for the said purposes, and such other things as they may deem proper or requisite in the carrying on or management of their said business.

Objects and business of the corporation.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and the said capital stock shall be considered as personal property, and shall be transferable on the books of the corporation in such manner as may be prescribed in the by-laws; and the stock and transfer books, as well as the books of account of the said corporation shall be open at all times, but at reasonable hours, to the inspection of the stockholders.

Amount of capital stock.

4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of the said company, and they or a majority of them shall open books for that purpose, and at such time and in such place as they shall designate by previous advertisement, at least three weeks in a public newspaper printed in Paterson, and shall keep the same open as long as they may deem proper, and may close the same at their own pleasure, and open the same from time to time upon like notice, and may require each subscriber to pay to them at the

Commissioners to receive subscriptions to capital stock.

time of subscribing not exceeding twenty per cent. of his subscription, which shall be paid over to the directors of the corporation to be appointed as hereinafter prescribed, and all the powers of said commissioners shall cease upon the appointment of the directors; and the board of directors, when appointed, shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken, and said directors may call on the subscribers for the payment of instalments in such sums, and at such times and under such forfeitures as they may deem expedient.

By-laws and
regulations.

5. *And be it enacted*, That the said corporation hereby created, shall from time to time, have power and authority to make, ordain and establish such constitutions and by-laws and regulations as they, or a majority of them shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said corporation hereby created, and the election of the same for prescribing their several functions and their compensation, and the appointment and compensation and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing, and conducting the affairs of said corporation; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state, or the United States.

Proviso.

Election of
directors.

6. *And be it enacted*, That the management of the concerns of the said corporation shall be vested in five directors to be selected from the stockholders of said company; a majority of said directors to be citizens of the state of New Jersey, and as soon as may be after the sum of ten thousand dollars shall have been subscribed in the manner hereinbefore mentioned, the said commissioners above mentioned or a majority of them shall convene the then stockholders, who shall have subscribed to the capital stock as aforesaid, by public notice inserted and published in a newspaper, published and circulating in said county of Passaic, at such time and place in the said county as they may designate in such notice, for the purpose of electing and choosing the first board of directors of said company, who shall hold their office until other directors shall be elected and chosen in their stead, and all subsequent elections of directors and vacancies in the board of directors shall be held and filled at such time and in such manner as may be prescribed in the constitution, rules, regulations and by-laws of the said

corporation, and that a majority of the said board of directors shall form a quorum for the transaction of business.

7. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and dispose of all such land and real estate as they may hold, and to improve the same by building thereon or by laying off the same in lots, to open, lay out, and grade streets and alleys, and to use the same in any lawful way, and to contract with any person or party for the construction of buildings and other improvements on said lands. May hold real estate and lay out and grade streets, &c.

8. *And be it enacted*, That if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage any animal, wagon, store or warehouse or other appendage used or employed by the said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years or both; *provided however*, that no such criminal prosecution shall take away or in any way impair the right of the said company to an action of damages by a civil suit. Penalty for injury to property or works.

9. *And be it enacted*, That the corporation hereby established shall continue in force for thirty years, and shall possess all the powers in addition to those herein granted, and be subject to the same restrictions and liabilities, except as otherwise in this act provided, as are granted and imposed by the act concerning corporations, approved February fourteenth, eighteen hundred and forty-six, so far as applicable hereto. Limitation.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half of its capital stock paid in, and to mortgage their property and franchises to secure the payment thereof, and to execute all and necessary securities for securing, with interest thereon, not exceeding seven per centum per annum, and it shall be lawful for the said company, and they are hereby authorized to sell and dispose of any bonds, obligations, or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, to any person or persons or corporation, at any rate or price they may be able to re- May borrow money and issue bonds

alize or obtain for the same, without the same being in any way invalidated thereby, or any person or persons or corporation being liable to any penalty or forfeiture therefor.

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

Approved March 14, 1867.

CHAPTER CXXXVIII.

A further supplement to the act entitled "An act to incorporate the New Brunswick Savings Institution," approved March fifteenth, eighteen hundred and fifty-one.

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 New Brunswick Savings Institution and the borrowers or lenders of any money secured by mortgage or other security, upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent or to be loaned, and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state, to the contrary notwithstanding.

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

Approved, March 14, 1867.

Agreement
may be
made be-
tween the
borrower
and lender
to pay taxes

CHAPTER CXXXIX.

Supplement to an act entitled "An act to incorporate the Swedesboro Railroad Company," approved February twenty-third, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said railroad shall at its upper terminus intersect the West Jersey Railroad within one mile of the depot at Woodbury. To intersect the West Jersey Railroad.

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

Approved March 14, 1867.

CHAPTER CXL.

An additional supplement to "An act to provide for the publication of the public laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all laws directed or authorized to be published by the act to which this is a supplement, or the supplements thereto, in any of the newspapers of the county of Monmouth, shall be published in the Long Branch News, a newspaper printed and published at Long Branch, in said county of Monmouth, for which publication the publisher shall be entitled to receive from the state, the same compensation as is allowed the publishers of other newspapers published in said county for said work. Laws to be published in the Long Branch News.

2. *And be it enacted*, That all laws directed or authorized to be published in any of the newspapers of the county of Essex, shall be published in the Newark Evening Courier, a newspaper printed and published at Newark, in said county, and that the publisher thereof shall receive for said service, the same compensation as may be paid for such publication to any other newspaper for this state of like work. Newark Evening Courier.

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

Approved, March 14, 1867.

CHAPTER CXLI.

A supplement to an act entitled "An act to incorporate the Morris County Iron Company," approved March twenty-sixth, eighteen hundred and sixty-six, changing corporate name.

Corporate
name
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of "The Morris County Iron Company," be, and the same is hereby changed to (The) "Dover Iron Company," and that the said corporation as the said "The Dover Iron Company," shall possess all the property, real and personal powers, privileges and immunities of the said "The Morris County Iron Company," and be liable for all the obligations and duties of said company, and subject to all the restrictions imposed on the same by the act incorporating the said (The) "Dover Iron Company."

Number of
directors.

2. *And be it enacted*, That the stock, property and concerns of said company shall be managed and directed by not less than three nor more than five directors, being stockholders, instead of seven directors named in the fourth section of the act to which this is a supplement, one of whom shall be president and one of whom shall be treasurer as in said act set forth.

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

Approved, March 14, 1867.

CHAPTER CXLII.

An act to change the name of the Methodist Episcopal Church at Vernon.

Name
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Methodist Episcopal Church in Vernon be, and the same is hereby changed to the Methodist Episcopal Church at Verona.

Rights and
liabilities.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act

had not been passed, and that this act shall take effect immediately.

Approved, March 14, 1867.

CHAPTER CXLIII.

A further supplement to an act entitled "An act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be and they are hereby authorized, in addition to the railroad authorized to be constructed by said act, and the supplements thereto, to lay down and construct a branch railroad with all the necessary turn-outs and switches thereto, upon and along any streets or roads now opened or hereafter to be opened in the cities of Elizabeth and Newark, and the townships of Union and Clinton, in the counties of Union and Essex, which branch road shall commence on the line of the railroad authorized by said act and the supplements thereto, and run thence to some point at or near the station on the line of the New Jersey Railroad and Transportation Company, called Waverly, and thence to the railroad authorized by said act and the supplements thereto, at a point therein north of the commencement of said branch road. Power to construct a branch road.

2. *And be it enacted*, That in the construction, equipment, management, running and operation of said branch road, the said corporation shall have and possess all the powers, authority and privileges granted to, or conferred upon them by said act and the supplements thereto, in relation to the railroad authorized thereby. Powers and privileges.

3. *And be it enacted*, That said corporation may purchase, have and hold such real estate as they may desire, along the line of said branch road, at not more than one place, and not to exceed three acres in all, in addition to the real estate they are authorized to hold by said act. May hold real estate.

4. *And be it enacted*, That the said corporation be and they are hereby authorized to increase their capital stock one Capital stock may be increased.

hundred thousand dollars above the one hundred thousand dollars now authorized by said act, which increase shall be divided into shares of twenty-five dollars each, and be deemed personal property, and transferable as directed by said act; and that in regard to the construction, equipment, and repair of said branch road, the said corporation shall have the same powers and authority to borrow money therefor, and to secure the payment of the same, as by section twelve of said act is conferred upon them in regard to the railroad authorized by said act and the supplement thereto.

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

Approved, March 14, 1867.

CHAPTER CXLIV.

An act to incorporate the Elizabeth Agricultural Steam Manufacturing Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Edward G. Brown, James C. Fairbank, Augustus C. Kellogg, Jacob Davis, Amos Clark, Junior, A. D. Mulford, Abel Thompson, John S. Prouty, Lome Green, and such other persons as may hereafter be their associates and successors, be and they are hereby constituted a body corporate, by the name of "The Elizabeth Agricultural Steam Manufacturing Company," for the purpose of erecting and creating steam power, and using and applying the same in manufacturing and mechanical operations in the City of Elizabeth, in this state, and the said company may hold such personal and real estate as may be necessary for their said business, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sale upon judgments which shall have been obtained for such debts or liabilities.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each;

that the stock of said corporation shall be transferable according to by-laws of said company, and be considered personal property.

3. *And be it enacted*, That the persons above named, or a majority of them, shall open books to receive subscriptions to the capital stock of such corporation, at such time and place within this state, as they may deem proper by giving at least two weeks' notice thereof, in some newspaper published in said state, and that as soon as fifty thousand dollars of such stock is subscribed and paid, or otherwise satisfactorily secured to be paid, the said commissioners shall by like notice call the first meeting of the stockholders for the purpose of organizing the company and electing directors; all the power of said commissioners shall cease upon the appointment of said directors.

4. *And be it enacted*, That said directors shall consist of nine persons, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, and five of whom shall reside in this state, such directors shall hold their office for one year, and until others are elected in their stead, and an election of directors shall be held yearly, at such time and place, and upon such notice as the by-laws shall direct; at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him or her respectively owned; and if a vacancy should occur in said board of directors by death, resignation or otherwise, the remaining members may at a subsequent meeting of the board fill such vacancy.

5. *And be it enacted*, That the said directors shall have power in behalf of said company to receive any property, patent or patent rights, suitable for the purpose of the company at a valuation agreed upon, and in lieu of cash subscription, and shall have authority from time to time, to open the books for further subscriptions until the whole capital stock is taken, and the directors may call on the subscribers for the paying in such instalments, on such notice as the said corporation by their by-laws or otherwise may direct or appoint, and under such forfeiture as they deem expedient.

6. *And be it enacted*, That the directors shall have power to make by-laws for the management and government of said corporation, and may appoint a treasurer and secretary.

or such subordinate officers as the business of said corporation may require and fix their salaries.

Transfer
books.

7. *And be it enacted*, That the transfer book of said corporation shall be kept in the office of said company in the city of Elizabeth, and shall be open to the inspection of the officers and stockholders thereof at all reasonable times.

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

Approved, March 14, 1867.

CHAPTER CXLV.

A supplement to An act to provide for the payment of scrip issued by the township committee of Bloomfield, in the county of Essex, in order to meet the last call for troops in eighteen hundred and sixty-five, by the government of the United States, approved March twenty-seven, eighteen hundred and sixty-six.

Preamble.

WHEREAS, by the act to which this is a supplement, the township committee of Bloomfield were authorized to issue bonds of said township, to the amount of fifteen thousand dollars, in order to provide for the payment of scrip issued by the township committee of the township of Bloomfield, in order to meet the last call for troops in eighteen hundred and sixty-five, by the United States; *And whereas*, since the passage of that act it has been ascertained that scrip to the amount of seven hundred and fifty dollars or over, is still outstanding and unredeemed, and that bonds to the amount of fifteen thousand dollars have already been issued, thereby exhausting the power and authority given by said act, therefore,

Authorized
to issue
bonds to
the amount
one thousand
dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said township committee to make and issue additional bonds of said township in and by its corporate name, to the amount of one thousand dollars, should that sum be found necessary to redeem any outstanding scrip of said township committee, subject to all the provisions as to date, amounts, action of township committee, rate of interest, and when paya-

ble, classification and payment of principal, execution and attestation of bonds, assessment and collection of tax, that are contained in the act to which this act is a supplement.

2. *And be it enacted*, That the bonds issued by virtue of this act shall be binding on said township in its corporate capacity to all intents and purposes, and this act shall take effect immediately. Township liabilities.

Approved March 14, 1867.

CHAPTER CXLVI.

An act to authorize the "construction of a Bridge over Cohansey Creek.

WHEREAS, the city of Bridgeton is built upon both banks of Cohansey Creek, across which there is only a single bridge so located, as to accommodate travel between the two sections of the said city, and the country adjacent thereunto, therefore, to promote the growth of said city, and the convenience of its inhabitants, and that of the traveling community generally, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Cumberland to construct a good and sufficient bridge over said Cohansey Creek, from the foot of Broad street in the said city of Bridgeton, to the point on the opposite side of said creek, where Jefferson street, if extended to the bank thereof, would terminate, with a suitable draw in the same, of not less than thirty-five feet in width, and in such a way as to give the least obstruction to the navigation of said creek practicable; *provided*, the said board of chosen freeholders shall keep, or cause to be kept at said bridge, a careful person or persons to open the said draw, for the free passage of vessels. Power to erect bridge.
Provide.

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

Approved March 14, 1867.

CHAPTER CXLVII.

An act to incorporate the North River Brick Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Matthew Bogert Eckerson, Matthew D. Bogert, John L. Servin, James Eckerson, and Andrew T. Servin, and their associates and successors, be and they are hereby created a body politic and corporate by the name of "The North River Brick Company," for the purpose of manufacturing and selling bricks and tiles of various kinds, and other articles connected with said business, and for that purpose may purchase and hold, sell, convey, mortgage, lease and dispose of, such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in course thereof.

2. *And be it enacted*, That said company may carry on their business at any place in the county of Monmouth, and may establish their principal office at such point in said county as they may deem proper, and may change the same as the directors may determine.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided in shares of one hundred dollars each, but that as soon as two hundred shares of said capital stock shall have been subscribed for and paid in, it shall and may be lawful for said company to commence the said business and conduct and carry on the same, with that capital 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 said stockholders respectively, all such sums of money by them subscribed to said capital stock, in instalments or otherwise, such instalments however not to be less than twenty-five per centum of the amount subscribed by each stockholder, under the pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not have been made in thirty days after a notice shall have been published for the space of thirty days in one or more newspapers published in said county.

4. *And be it enacted*, That the books of said company shall be opened for subscription of stock at some convenient place

in said county, under the direction of the board of directors, for the space of not exceeding thirty days.

5. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by a board of not less than three nor more than five directors, one of whom shall be president, who shall hold office for one year; that the directors shall be chosen on such day in each year as may be designated by the by-laws, that each stockholder shall be entitled to one vote on each and every share of stock held by him or her, that said vote may be given personally, by proxy or by power of attorney; that the persons having the greatest number of votes being stockholders shall be directors, and the persons chosen as directors may by virtue of such election hold over and continue to act as directors until the next election of directors, in case any election should not be held upon the day designated for it, that the directors so chosen may appoint such officers and superintendents and assign such compensation as they see fit, not less than a majority being present when the same shall be done, that if any vacancy should occur in said board, that the survivors may appoint a stockholder to fill said vacancy until the next election; that M. Bogert Eckerson, Matthew D. Bogert, and John L. Servin, and the survivor or survivors of them shall be the first directors, who shall hold office until the first Monday in April next after the complete organization of said company, or until other directors shall be chosen.

Election of directors.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends to stockholders shall be made, except from out of the net profits of the business of the corporation.

Stock transferable.

Proviso.

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

Not to be dissolved by failure to elect.

8. *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

By-laws and ordinances.

regulations as shall seem necessary and convenient for the government, management and disposition of said stock, effects, property and concerns of said corporation; *Provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Books of account to be kept. 9. *And be it enacted*, That the directors shall at all times keep or cause to be kept, proper books of accounts, in which shall be entered all the transactions of said corporation, which shall at all times be open to the inspection

Proviso. of the stockholders of said association or their legal attorney or attorneys; *and further*, that no transfer of stock shall be valid or effectual until such transfer be entered and registered in the books to be kept by the president and directors, to be kept for that purpose.

Limitation. 10. *And be it enacted*, That this act shall continue in force thirty years, and that said corporation shall possess all the general powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

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

Approved, March 14, 1867.

CHAPTER CXLVIII.

A further supplement to the act entitled "An act to incorporate Societies for the promotion of Learning.

Provisions 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, be and the same are hereby extended to include associations of persons heretofore formed, or which may hereafter be formed for the purpose of improvement in debate and general literature.

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

Approved March 14, 1867.

CHAPTER CXLIX.

A further supplement to the act entitled "An act to describe, apprehend and punish disorderly persons," passed June tenth, seventeen hundred and ninety-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person according to the provisions of the act entitled "An act to describe, apprehend and punish disorderly persons, passed tenth of June, seventeen hundred and ninety-nine," shall be convicted before any justice of the peace, of being a common drunkard, or whenever any person according to the provisions of a supplement to the act entitled "An act to describe, apprehend and punish disorderly persons," passed June tenth, seventeen hundred and ninety-nine, passed March eleventh, eighteen hundred and sixty-four, shall be convicted before two justices of the peace of neglecting or refusing to take proper care of and provide for his family, and it shall appear to the satisfaction of said justices that the cause of such neglect is the habitual excessive use of intoxicating liquor by said convict, it shall be the duty of said justice or justices to make an order directed to the overseer of the poor of said township in which said conviction shall be made, warning all persons selling intoxicating liquor, to desist from selling any intoxicating liquor to said convict, and it shall be the duty of said overseer within five days after the receipt by him of said order, to serve a copy of said order upon all dealers of intoxicating liquor, from whom said convict would be liable to procure such liquor, and also to post up in three of the most public places in said township a copy of said order, and to make and preserve a record of the time and places when and where said copies were posted, and of the time and persons when and on whom said copies were served.

Proceedings in case of an habitual drunkard.

2. *And be it enacted*, That any innkeeper, distiller, grocer or other persons, who having had notice of said order of the justice or justices, shall sell or in any manner furnish or supply any intoxicating liquor to such convict, or knowingly to any member of the family of said convict, or to any person for him, or who shall knowingly and willingly allow any intoxicating liquor sold or furnished by him to

Penalty for furnishing or supplying such habitual drunkard with liquor.

be drank in or upon his premises by such convict, shall be deemed guilty of an offence, and shall for each such offence forfeit and pay the sum of ten dollars, to be sued for and recovered in an action of debt with costs of suit, before any justice of the peace in and for the county in which said offence is committed; the said suit to be brought by the overseer of the poor of the township in which the person convicted shall at the time of his conviction reside, and in the corporate name of said township; and the penalty so recovered shall go to the use of said township, except when the convict has a family residing in said township, then in that case one half of said penalty shall go to the township and the other half to the family of said convict.

Duties of
overseers of
the poor.

3. *And be it enacted*, That the overseer of the poor when applied to for such purpose, by one or more credible person or persons, giving information sufficient to warrant the commencement of a prosecution under this act shall forthwith commence such action, and that said overseer shall be entitled to receive as his compensation for each action brought under this act and successfully prosecuted to a judgment four dollars, and for each copy made by him of the order of said justice or justices five cents, and for serving and posting the copies of said order a reasonable compensation, all to be allowed and paid by the township committee of said township, from funds of the township not otherwise appropriated; and that the justice or justices for making the order to the overseer of the poor shall be allowed fifty cents, to be paid by the township committee from funds of the township not otherwise appropriated.

Execution
may be
issued.

4. *And be it enacted*, That on a judgment obtained for the forfeit under this act, an execution may be issued against the body as well as the goods and chattels of the defendant, and for the want of goods and chattels whereon to levy, to make the amount of the said forfeit and costs; the body of the defendant may be committed to the common jail of the county, there to remain until the amount of the forfeit and costs is paid.

Penalty for
taking
pledges for
liquor sold.

5. *And be it enacted*, That if any innkeeper, distiller, grocer, or other person, shall sell, furnish or supply, any intoxicating liquor to any habitual drunkard, or to any person for him or her, and take in exchange or pledge therefor, any article of wearing apparel belonging to the wife or children of said habitual drunkard, or any article of fuel, or any article of

provision, or household goods, for the comfort and sustenance of the said habitual drunkard, or his or her family, or any other goods or chattels belonging to said habitual drunkard, and necessary for the comfort and support of said habitual drunkard, or his or her family; such innkeeper, distiller, grocer, or other person, shall be deemed guilty of a disorderly act, and shall be considered a disorderly person, and may be proceeded against by warrant in manner and form as authorized for proceeding against disorderly persons, under the act entitled "An act to describe, apprehend, and punish disorderly persons," passed June tenth, seventeen hundred and ninety-nine, and upon conviction of such disorderly act, may be adjudged to pay for each such disorderly act, a fine of not less than five, and not over twenty dollars, or to be imprisoned in the county jail or work house of the county, for any time, not to exceed two months, and to stand committed until the fine and costs are paid.

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

Approved March 14, 1867.

CHAPTER CL.

An act to incorporate the Ocean Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. S. Johnson, James Buchanan, George D. Horner, Henry N. Beach and Henry M. Dunham, and all such persons as may be hereafter associated with them, 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 Ocean Cranberry Company, for the purpose of buying, holding, cultivating and improving marsh and uplands in the counties of Ocean and Burlington, and for buying, sawing and selling wood and timber and raising cranberries and other fruit, and selling the produce of said lands and carrying on the business incident thereto; and that they and their successors by the same name may sell, grant, devise, alien, decree, mortgage and dispose of the said lands, tenements and hereditaments, goods and chattels or any part thereof.

Names of
corporators

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 fifty dollars each, and that subscriptions to the capital stock may be paid in real and personal estate appropriate to such business, at a bona fide valuation to be agreed upon by a majority in interest of the stockholders; and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened at such places as the directors shall designate, public notice of the time and place of which shall be given not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the board for such purpose.

First directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by not less than three nor more than five directors, all of whom shall be stockholders, one of whom shall be president; and they shall hold their office for one year, and until others are elected in their stead; and until an election shall be held for directors, the three persons first named in the first section of this act shall be directors of said corporation.

Dividends.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe; but no dividends shall be made to the stockholders except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection, and that their principal office shall be in the county of Ocean.

Powers and
restrictions

5. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the general directions and liabilities set forth in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved, March 14, 1867.

CHAPTER CLI.

An act to revise and amend the charter of the Rahway Fire Department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are or hereafter shall be engineers of the fire departments 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 Tuesday in February, one thousand eight hundred and eighty-seven, 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, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors shall have a common seal, and may change and alter the same at their pleasure, and also 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.

Corporate name.

May sue and be sued

Proviso.

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, the exempt firemen's association two representatives, each engine, hook and ladder company, comprised of eighteen men and upwards, two representatives, and under eighteen men, one representative, and hose companies comprised of fifteen men and upwards, two representatives, and under fifteen men, one representative, to hold their respective offices and places until others are appointed in their stead agreeable to the provisions of this act, who shall have and exercise all such powers as are hereinafter committed to them.

Representatives to be chosen.

Election of
president
and other
officers

3. *And be it enacted*, That the said representatives shall choose on the third Monday of December in every year by ballot out of their own body a president and vice president, and out of the whole body of the firemen, five trustees, a treasurer, secretary and collector, to hold their respective offices and places until others are appointed in their stead agreeable to the provisions of this act, that the said trustees shall class themselves into five classes, number one shall go out of office the first year, number two the second year, number three the third year, number four the fourth year, and number five the fifth year, that the said trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of the said corporation, from time to time made and established by the said representatives, that the trustees shall choose a president who shall have a right to convene them when he thinks proper, at least once in every three months, that the treasurer and collector shall give sufficient security to the trustees for the faithful performance of their trust, that the treasurer shall at every annual meeting of the representatives render them an account of the state of the funds, that the representatives shall at their meetings have a right to inquire into and control the application of their funds and to displace any of the trustees and officers, if guilty of misconduct, and elect others in their stead, that a majority of the said representatives, and also of the said trustees shall respectively be a quorum to do business, that in case of a vacancy in the office of representative, such vacancy shall be filled up by the company from which he is deputed for the remainder of the year, by a special election, to be held for that purpose, and that in case of a vacancy in the office of president, vice president, treasurer, secretary, collector or any of the trustees, such vacancies shall be filled up by the representatives for the remainder of the year by a special election to be held for that purpose.

Vacancies,
how filled.

Power to
make
by-laws and
regulations.

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, touching the management and disposition of their funds for the purpose aforesaid, and touching the meetings of the said corporation both special and ordinary, except the third Monday in December in every year, which is hereby declared to be their annual meeting, and touching the duties and conduct of their officers and

trustees and touching all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted and for no other purpose whatever; *Provided*, that such by-laws, rules, ordinances or regulations be not repugnant to the constitution or the laws of the United States or of this state. Proviso.

5. *And be it enacted*, That in case any election shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not on that account be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make such election in such manner as shall have been regulated by the by-laws and ordinances of the said corporation. Not to be dissolved by failure to elect.

6. *And be it enacted*, That the funds of the 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. Funds, how appropriated.

7. *And be it enacted*, That there shall be paid to the treasurer of the fire department of the city of Rahway, for the use and benefit of said fire department, on the first Monday in January in each year, by every person who shall act in the city of Rahway, as agent for or in behalf of any individual or association of individuals not incorporated by the laws of this state, to effect insurances against losses or injuries by fire in the city of Rahway, although such individuals or associations may be incorporated for that purpose by any state or county, the sum of two dollars upon the one hundred dollars, and at that rate upon the amount of all premiums which, during the year or part of the year ending on the next preceding first Monday in August, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any Agents of foreign fire insurance companies to pay tax.

insurance effected or agreed to be effected, or promised by him as such agent or otherwise against loss or injury by fire in the city of Rahway.

Penalty for effecting insurance without first filing bond with the treasurer.

8. *And be it enacted*, That no person shall in the city of Rahway, as agents or otherwise, for any individual or individuals or association, effect or agree to effect any insurance upon which the duty above mentioned is required to be paid, or as agent or otherwise procure such insurance to be effected, until he shall have executed and delivered to the said treasurer a bond to the fire department of the city of Rahway, in the penal sum of one thousand dollars, with such sureties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer, on the first Monday in January in each year, a just and true account, verified by his oath, that the same is just and true of all premiums, which during the year ending on the first Monday in August preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city of Rahway, which shall have been effected or promised by him to be effected from any individual or individuals, or association not incorporated by the laws of this state as aforesaid; and he will annually on the first Monday in January in each year pay to the said treasurer two dollars upon every hundred, and at that rate upon the amount of any premiums.

Penalty for not executing bond as required by law.

9. *And be it enacted*, That every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act without having executed and delivered the bond required by the preceding section shall for each offence forfeit one thousand dollars for the use of the said fire department; such penalty of one thousand dollars shall be collected in the name of the fire department of the city of Rahway.

Agent changing his place of business to give notice.

10. *And be it enacted*, That every person who at any time hereafter, as agent or otherwise, for any individual or individuals or association, may in the city of Rahway effect, or agree to effect, any insurance specified in the preceding sections of this act, shall on the first Monday in January in each year, or within ten days thereafter, and as often in each year as he shall alter or change his place of doing business in the said city, report in writing under his proper signature to the treasurer of the fire department in the city of Rahway, the street and number thereof in the said city of

his place of doing business as such agent, or otherwise designating in such report the individual or individuals or associations for which he may be such agent or otherwise; and in case of default in any of these particulars, such person shall forfeit for every offence the sum of one thousand dollars, to be recovered and collected in the name of the people of this state for the use of the fire department of the city of Rahway.

11. *And be it enacted*, That every person who has served as a fireman in the city of Rahway for the term of five years under the act to which this is a supplement, and every person who on the first day of May next shall have been such fireman for a less period than five years, and who shall serve as such for so long a time thereafter as shall make the whole term of his service five years, and every person who may become such fireman after the passage of this act and serve as such for five 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. Exempt
fireman.

12. *And be it enacted*, That the certificates of the time that such persons as aforesaid have served as firemen, signed by the clerk of the common council of the said city shall be sufficient evidence thereof, and it shall be the duty of the clerk of the common council to sign the certificate required to be furnished to the firemen without fee or reward. Certificates
of exemp-
tion.

13. *And be it enacted*, That all persons who shall have served as firemen in the city of Rahway the full time required by this act to exempt them 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, are hereby declared to be entitled to all the benefits of the funds of said corporation, and to be eligible to the office of president, vice president, secretary, treasurer, collector, trustee or representative of the Rahway Fire Department. Exempt
firemen en-
titled to
benefits.

14. *And be it enacted*, That any fireman of the city of Rahway who shall while in the performance of his duty as such, so maim or injure himself as to render him thereafter unable to perform the said duties as fireman, shall be and hereby is entitled to the benefits of this act; *provided, however*, that he shall not receive the certificate granting him the privileges of this act until the expiration of the time he would have been compelled to serve, if he had not Disabled
firemen.

been so maimed or injured in order to obtain such certificate.

Duties of trustees.

15. *And be it enacted*, That when any doubt exists in the minds of the trustees of the fire department, as to the claim of any fireman to the privileges of the foregoing section, it shall be their business to examine into such claim, and their decision shall be final.

Witnesses.

16. *And be it enacted*, That in any action, suit or other proceeding which now is or hereafter may be instituted, commenced or prosecuted, for the recovery or collection of any fine, penalty or forfeiture, imposed by any existing or future law of this state, or by any existing or future law or ordinance of the common council of the city of Rahway, and appropriated to the use of the fire department of the city of Rahway, or any of the fire companies in said city, it shall be no objection to the competency of any witness in any such action, suit or other proceeding for the recovery or collection of any such fine, penalty or forfeiture so imposed and appropriated to the use of the fire department of the said city, or of any of the fire companies in said city, that he, the said witness is, or has been a fireman of said city, or a member of the said fire department, or is or may become entitled to the benefits of the fire department fund of the city of Rahway.

Funds not to be used for banking purposes.

17. *And be it enacted*, That no part of the funds of the said corporation 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.

Repealer.

18. *And be it enacted*, That the act to incorporate the Rahway fire department and the supplement to the act relative to juries and verdicts, approved March eighteenth, eighteen hundred and fifty-seven, and all other acts or parts of acts, whether general or special, or local or otherwise, inconsistent with the provisions of this act, so far as relates to the aforesaid city of Rahway, be and the same are hereby repealed.

Public act.

19. *And be it enacted*, That this act shall go into effect immediately, and shall be deemed and taken to be a public act, and that the same shall be construed in all courts and places benignly and favorable for every beneficial purpose hereby intended.

Approved, March 14, 1867.

CHAPTER CLII.

An act to prevent animals from running at large in the village of Toms River and vicinity.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any cattle, horses, mules, asses, sheep, goats or swine to run at large in any of the public highways, streets, roads, or by-roads, in the following described portions of Dover township, county of Ocean, viz.: beginning at the bridge crossing the stream in the village of Toms River, thence one mile on the Manchester roads, and all the roads and by-roads intersecting the same; on Main street and the Freehold road and the roads intersecting the same one mile; and on the Kettle Creek and Cedar grove roads, and each and all the streets, roads, by-roads and lanes intersecting the same one mile; on Washington street and road eastward, to the east boundary lands of G. Brackenridge, together with all the streets, roads and by-roads intersecting the same, for a distance of one-half mile on either side of the said Washington street and road; and on the south side of Toms River, extending over all the roads, lanes and cross-roads leading through the lands of A. P. Stanton, to the outer boundaries thereof. Boundaries within which animals must not run at large.

2. *And be it enacted*, That it shall be lawful for any person to seize and take, or cause to be taken to the public pound, any animal running at large in any street, highway, road, or cross-road, or trespassing on lands in the above described and specified districts. Public pound.

3. *And be it enacted*, That whenever any person shall seize or cause to be seized and taken to the public pound, any animal or animals under the authority of the preceding section, it shall be the duty of such person to give immediate notice thereof to a justice of the peace, or an overseer of the highways of said township, and such justice or overseer shall thereupon give notice by affixing the same in three public and conspicuous places, that such animal or animals will be sold at public auction, not less than five nor more than ten days from the time of affixing such notice, to be specified in such notice; the same justice or overseer shall proceed to sell the said animal or animals for cash, and out of Proceedings when animals have been impounded.

the proceeds thereof shall first retain the following fees and charges for his services in giving said notice and making said sale, viz.: for each horse, mule, ass, cow, calf or other cattle, two dollars; for every sheep, goat or swine, one dollar; and shall then pay from the proceeds of such sale to the person who shall have seized or caused to be seized the said animal or animals the sums following, viz.: for every horse, mule, ass, cow, calf or other cattle so seized and sold, one dollar; for every sheep, goat or swine, fifty cents; together with a fee of fifty cents to the pound keeper for every animal so taken; and twenty-five cents per day for each and every animal during the time such animal is confined in the pound; and if there shall be any surplus money arising from such sale, the said justice or overseer shall pay the same to the owner or owners of said animals upon satisfactory proof of such ownership, and if the owner or owners shall not appear and demand such surplus money within thirty days after such sale, he or they shall be forever precluded from receiving any part of such money, and the same shall be paid to the overseers of the poor, for the benefit of the poor of the township, and their receipt therefor shall be a legal discharge to said justice or overseer.

Possession,
how ob-
tained.

4. *And be it enacted*, That any owner of any animals which shall have been seized under and pursuant to the foregoing provisions, may at any time before the sale thereof, demand and recover possession of such animals upon the payment of the several sums hereinbefore required to be paid to and by said justice or overseer.

Not to
apply to
droves.

5. *And be it enacted*, That this act shall not apply to animals in droves passing over the highways of the above named district to their places of destination and accompanied by herdsmen.

In the ab-
sence of a
public
pound, how
kept.

6. *And be it enacted*, That if a public pound has not been designated, or a poundkeeper has not been appointed, or a keeper having been duly appointed, shall neglect or refuse to act, it shall be lawful for the person seizing the animal or animals running at large to confine the same on his own premises, or other convenient places, and the justice or overseer after receiving due notice shall use the said premises as if it were the public pound.

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

Approved, March 14, 1867.

CHAPTER CLIII.

An act to incorporate the Society for the relief of Respectable Aged Women.

WHEREAS, a number of women of the city of Newark, have associated themselves together under the name of the Society for the relief of Respectable Aged Women, and have desired to be made a body politic and corporate, for the purpose of better carrying out their benevolent object; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Anna R. Wilson, Mary G. Hill, Jane D. Ward, Hannah M. Levy, Anna M. Brinsmade, Harriet A. Clough, Mary M. Brown, and their associates, the persons who have thus associated themselves together as above mentioned, be and they are hereby constituted and made a body politic and corporate in fact, name and law, by the name of "the Society for the relief of Respectable Aged Women," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy, manage and dispose of any lands, tenements, hereditaments, and real and personal estate whatever and howsoever.

2. And be it enacted, That the property, affairs, and concerns of the said corporation shall be managed and conducted by a board of managers not to exceed forty-five in number; on the second Monday of June next, and annually thereafter there shall be an election from the members of said corporation of the said managers, until which said time the persons already elected shall act as such managers; the managers shall have power to supply vacancies occurring in this board between the periods of annual elections; *Provided*, no person shall vote at any such election other than the regular members of the said corporation, who shall have made the payments required or to be required by the constitution of the said society; and a majority of such members voting at any such election shall be required for the election of such managers.

Object. 3. *And be it enacted*, That the objects of the said corporation shall be the support or assistance of respectable aged women of the city of Newark and of other parts of the state where auxiliary societies shall be found; or where funds shall be contributed for such beneficiaries.

Affairs, how to be managed. Provision. 4. *And be it enacted*, That all the affairs of the said corporation shall be managed in conformity to the provisions of the constitution and by-laws of the said society now existing or as may hereafter be made; *provided*, the same shall not be inconsistent with this act or with the constitution and laws of this state or of the United States; *and whereas*, J. Woods Poinier, Thomas C. Davis, James B. Boylan, Cornelius Walsh, Francis H. Mackin, Joseph Battin, James L. Hays, Daniel Dodd, John F. Ward, Marcus Sayre, George H. Peters, William H. Murphy, William D. Russell, and William H. Kirk have been appointed a board of advisers to the said society and a committee of ways and means for raising the funds for the purchase of certain property, and, as such, have acquired certain property for the benefit of the said society, therefore,

Board of advisers to convey property and make title. 5. *Be it enacted*, That the said board of advisers, or such of them, in whom the title of such property may be, shall, as soon as conveniently may be after the passage of this act, convey, assign and transfer to the said corporation all and any land, real estate, personal property, funds or effects in their hands or name for the use of the said society; and upon such conveyance, assignment and transfer, the said board of advisers shall be discharged from any responsibility, as to any subsequent disposition and use of the said property by the said corporation or its officers, members or agents; but such board of advisers or others appointed in their stead, may be empowered by the said corporation and in its name and for its use, to transact such portion of its financial and business affairs as may be deemed expedient and proper.

Exempt from taxation. 6. *And be it enacted*, That the property of the said corporation, held or used for the purposes contemplated by this act, shall be entitled to the same exemption from taxes or assessments as now enjoyed by the Newark Orphan Asylum Association or the Protestant Foster Home Society of the city of Newark.

Public act. 7. *And be it enacted*, That this act be, and is hereby declared a public act, and it shall be lawful for the legislature of this state at any time hereafter to alter, amend, modify or repeal this act as may be thought proper.

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

Approved, March 14, 1867.

CHAPTER CLIV.

A supplement to an act entitled "An act to incorporate the Columbia Delaware Bridge Company," passed March seventh, eighteen hundred and thirty nine.

WHEREAS, William Green and Andrew Smith, two of the Preamble.
commissioners appointed on the part of the state to receive subscription to the capital stock of said company have departed this life; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Kiser and Aaron Ogden Commissioners.
Bartow, both of the county of Warren, in the state aforesaid, be and they are hereby appointed in the place of those who have died.

Approved, March 14, 1867.

CHAPTER CLV.

An act to incorporate the Adams Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Adams, William Adams, Names of
James E. Overbaugh, James Hunter, junior, Robert Adams, corporators
and such other persons as may hereafter be associated with them shall be, and they are hereby declared to be a body corporate and politic in law, fact and name by the style and title of Adams Manufacturing Company, and as such shall be capable of instituting, conducting and defending suits and actions at law and in equity in all respects as natural persons; and that they may manufacture all manner of goods out of cotton, and may buy and sell all such goods, and all articles and property real or personal required by the business authorized by this act, and may possess and

hold such real property under lease, contract or conveyance, as the necessities of said business may require, and may dispose of the same at pleasure.

Principal
office.

2. *And be it enacted*, That the said company shall locate their works and have their principal office in the county of Passaic, in this state.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of the said company may be two hundred thousand dollars, and that the same may be increased from time to time by the order of the board of directors, but shall not at any time exceed five hundred thousand dollars; and said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred as the by-laws of the said board may direct.

Commis-
sioners to
receive sub-
scriptions.

4. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the city of Paterson as they or a majority of them shall appoint, giving ten days' notice thereof in one or more newspapers printed in said city; and when two hundred shares of said stock have been subscribed for and twenty-five dollars on each of such shares so subscribed for paid to said commissioners, they shall call a meeting of subscribers to said stock for the purpose of organizing the company; and when the company is organized said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Election of
directors.

5. *And be it enacted*, That the business of said company shall be managed by a board of directors, consisting of not less than five and not more than seven persons, all of whom shall be stockholders; that said board may elect from their number a president, and may appoint such subordinate officers as they may deem necessary and fix the salaries of the same; that said directors and their president shall hold their offices for one year and until others are elected in their stead, and that all elections for directors shall be held at such time and place as the by-laws of the company shall provide.

Install-
ments.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company; to call in all instalments on stock subscribed for in such amounts and at such times as they may direct, giving to each subscriber twenty days' notice thereof personally or by publication in one or more of the newspapers of

said city, and also to forfeit to said company all shares upon which default in paying instalments shall arise, together with all previous payments thereon.

7. *And be it enacted*, That it shall be lawful for the said company to go into operation under this act when stock to the amount of two hundred thousand dollars shall have been issued according to the provisions of this act. When company may commence business.

8. *And be it enacted*, That no transfer of stock shall be valid until the same is duly entered upon the books of the company.

9. *And be it enacted*, That no dividends shall be declared except from the net profits of the said company. Transfer of stock.

10. *And be it enacted*, That said company may issue stock in payment or in exchange for any goods, wares and merchandise, or for any lands, or estate thereon, or for any property required to be used for and in conducting the business of the said company, at such valuation as the board of directors may fix. Dividends.

11. *And be it enacted*, That this act shall be in force for thirty years, but may be amended, altered or repealed by the legislature. May issue stock.

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

Approved, March 14, 1867.

CHAPTER CLVI.

An act to incorporate the Orient Academy of Monmouth County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Reckless, James H. Peters, Asher S. Parker, Thomas Morford, Joseph C. Fisher, John S. Applegate, Francis Chadwick, John R. Bergen, John R. Parker, Reverend D. V. McLean, D. D., and Rev. Robert Y. Middleditch, D. D., and their associates shall be and are hereby created, declared and constituted a body corporate and politic in fact and in name, by the name and style of The Orient Academy of Monmouth County; and by that name they and their successors shall have perpetual succession, and may sue and be sued, plead and be impleaded, an-

swer and be answered unto, in all courts and places whatsoever; they may make a common seal, purchase, take and have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever by gift, grant, devise, bequest, or otherwise, and the same may grant, convey, assign, sell, invest, or otherwise dispose of, for the purposes of said corporation; and the said corporation hereby created shall succeed to, and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by the said corporation, shall be used expressly for the same.

Object.

2. *And be it enacted*, That the object of this corporation shall be the advancement of the education of both sexes, and the buildings shall be located on or near Red Bank in Monmouth county; that the persons named in the first section of this act, are hereby appointed commissioners for receiving in such way as they may prescribe subscriptions for the capital stock of the said corporation, which shall be fifty thousand dollars, divided into two hundred shares of twenty-five dollars each, and ten per centum cash on each share shall be paid at the time of subscribing.

Stock transferable.

3. *And be it enacted*, That the stock shall be considered personal property, and be transferable on the books of the corporation; and any person holding one or more shares of stock shall be a member of the corporation, and shall be entitled at all meetings of the stockholders, or at any election or question at issue to cast one vote in person or by proxy, for every share of stock by him or her owned, and standing in his or her name on the books of said corporation; as soon as two-thirds of the capital stock shall have been subscribed, the said commissioners or a majority of them shall pay over to the trustees named in the next section of this act, all moneys received by them at the time subscriptions were made, when the powers of said commissioners shall cease and determine.

Board of trustees.

4. *And be it enacted*, That this corporation shall be managed by a board of trustees, nine in number, a majority of whom shall constitute a quorum; and Asher S. Parker, John E. Johnston, Anthony Reckless, John R. Bergen, David N. Byram, James H. Peters, John S. Applegate, Rev. Robert Y. Middleditch, D. D., and Reverend D. V. McLean, D. D., shall be the first trustees of said corporation, and shall hold their office

until the fourth Tuesday of December next, when an election of trustees shall take place; as soon as said first named trustees shall receive from the commissioners the moneys as provided in the third section of this act, they shall proceed to procure a lot of ground and erect thereon suitable buildings, receive subscriptions for the balance of the capital stock, and call on all subscribers for the payment of further instalments in such sum or sums, at such time or times, and under such forfeitures as they or a majority of them may deem expedient, until the whole amount of the capital stock shall have been subscribed, or the whole or such amount paid on what is subscribed, as the wants of the corporation may require, and to do all other things necessary to carry out the objects of this corporation.

5. *And be it enacted*, That the said trustees shall be elected annually thereafter, on the last day of the academic year at a meeting of the stockholders, to be held at the institution, and by a majority of the votes legally cast by the stockholders and representatives of stock, the trustees heretofore named and their successors thus elected, shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to the laws of this state or of the United States; to prescribe the number and description, the duties and power of the officers and principal, the manner of their appointment and the term of their office; to fill vacancies occurring in their own body by means of death, removal, inability or refusal to serve of any person elected; and in the event of any failure or neglect of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders to be held upon twenty days' notice being given by advertisement in any newspaper published in the county of Monmouth, or at a subsequent annual meeting; the said trustees shall at their first annual meeting and annually thereafter, elect a president and secretary and treasurer, and appoint such other officers as they may from time to time deem necessary, and special meetings of said trustees may be called by the president, or any three or more of said trustees, upon ten days' notice in writing of the time and place thereof being given or sent to each of said trustees.

Annual
election of
trustees.

Powers and
duties of
trustees.

6. *And be it enacted*, That the said corporation is hereby

Degrees and
diplomas. authorized to confer degrees and grant diplomas upon such conditions and under such rules and regulations as the said board of trustees may adopt.

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

Approved March 14, 1867.

CHAPTER CLVII.

An act to continue in force "An act to incorporate the Washington Mining Company," and an act supplementary thereto.

Act to con-
tinue in
force until
1897.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to incorporate the Washington Mining Company, passed on the seventeenth day of February, in the year of our Lord, eighteen hundred and thirty-seven, and an act supplementary thereto, approved on the fourth of February, in the year of our Lord eighteen hundred and forty-eight, shall continue and remain in force until the seventeenth day of February, in the year of our Lord eighteen hundred and ninety-seven.

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

Approved, March 14, 1867.

CHAPTER CLVIII.

An act to amend the act entitled "A further supplement to the act entitled 'An act relative to the Court of Errors and Appeals.'"

To continue
in force for
two years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to the act entitled 'An act relative to the Court of Errors and Appeals,'" approved April sixth, eighteen hundred and sixty-five, shall continue

in force for two years from and after the sixth of April, eighteen hundred and sixty-seven.

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

Approved, March 14, 1867.

CHAPTER CLIX.

An act to incorporate the Port Oram and Ferro Monte Railroad Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Benjamin G. Clark, Samuel Lewis, Casper D. Schubarth, J. Cooper Lord, William G. Lathrop, Conrad Poppenhusen, John Thomas, Robert F. Oram, Henry Baker, and Augustus C. Canfield, John Hance, George Richards, and such other persons as shall be hereafter associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of the Port Oram and Ferro Monte Railroad Company. Names of corporators

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions of the capital stock of said corporation, at such times and places as they or a majority of them may think proper, giving notice thereof for at least ten days prior to the opening of said books, by publishing the same in one newspaper published at Morristown. Commissioners to receive subscriptions.

4. *And be it enacted*, That at the times of subscription for said stock, the sum of ten dollars shall be paid on each share subscribed for the said commissioners above named, and when five hundred shares of the capital stock shall have been subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, to choose seven directors, a majority of whom shall be residents of this state; Election of directors.

the election shall be held in this state, and by such of the stockholders as shall attend for that purpose either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote, and the said above named corporators, or any two of them who shall attend for that purpose, shall be inspectors of such election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected as such, and shall deliver over to them the subscription books and the money paid in, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them, and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their 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 this may happen, by the said board of directors or a majority of them, at any meeting of said board for that purpose duly called; 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 said corporation shall provide.

Not to be dissolved by failure to elect.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it should 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 on like notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their stead.

Payment of instalments.

6. *And be it enacted*, That four directors of the said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments, not to exceed twenty-five dollars on each share; *provided*, that no two instalments be demanded within thirty days of each other, 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 be made.

7. *And be it enacted*, That the president and directors of said corporation shall be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from the iron mines known as and called the Dickerson mines, in the township of Randolph, in the county of Morris, and extend as far as it may be necessary to form a suitable connection with the Morris and Essex Railroad and the Morris Canal, at convenient and accessible points on the same, by a convenient route or routes, and of constructing such spurs or branch roads as may be necessary for the making of such connections or any of them, and to afford access to adjacent mines in the county of Morris, subject to the restrictions herein contained, and it shall be lawful for said company to lay out and locate said railroad and spurs or branches authorized, sixty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate land necessary for such purposes in the manner and form upon making payment therefor, as is hereinafter provided, and for the purpose of cutting embankments, and the procuring of gravel and stone, may in the manner, form, and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road; and said company are invested with all powers necessary or convenient to survey, lay out, construct, and maintain said road and spurs or branches; and it shall be lawful for the said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon lands and waters, for the purpose of exploring, leveling, surveying and laying out a practical route for such railroad and spurs or branches, and of locating the same, doing no unnecessary damage to private property, and when the route and location of said road or the branches or spurs, or either of them or any portion thereof shall have been settled and determined upon, then it shall be lawful for said company by its officers, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for the completion and repairs of such railroad and branches; and to carry into full effect the objects of this act, when and so soon as said corporation shall have ob-

May construct railroad.

tained the right and title to the lands or the use of the same upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulations, and upon such terms as are hereinafter provided for; and it shall be the duty of said company to cause particular surveys and descriptions of any lands proposed by them to be taken for the purposes of the railroad, to be made, and deposited in the clerk's office of the county of Morris, or of the county wherein such lands lie, before they proceed to acquire the title thereto.

Proceed-
ings when
company
and owners
cannot
agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of any such required lands, for the use or purchase thereof, or in case the owner or owners of any such required lands shall neglect or refuse to accept the offer of the said company, to submit to the arbitration by three residents and freeholders of said county in which said lands lie, of the value of, and damages to the said required lands by the location and construction of said railroad over the same, one arbitrator to be named by the owner or owners of the said lands, one by the said company, and the two thus chosen to select a third; the decision of a majority of whom shall be conclusive and binding upon both parties, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made; a particular description of the lands so required for the use of said company in the construction of said road, and impossible to be obtained by the means or by reason of the disabilities aforesaid, shall be given in writing under oath or affirmation of some engineer or proper agent of said company; and also the name or names of the occupant or occupants if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time or place, upon satisfactory evidence to him of the service and publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of the county in which the lands lie, commissioners to examine and appraise the said lands and assess

the price or value of the same, and the damages sustained by the owners thereof arising from the removal, making and maintaining the fencing on the line of the said railroad through any improved lands over which the same may run, upon such notice, not less than ten days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of the damages thereto, which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the counties in which said lands lie, to remain on record therein, in which report, or in the case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such fees, costs and expenses to the justices, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and order and direct the same to be paid by the said company; *provided, always, that if* Proviso. the owner or owners of the said lands shall elect not to receive the sum awarded by the commissioners, for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the said company thereof, in writing, within ten days after said award, the company shall retain the said sum and themselves make, remove and forever thereafter maintain said fencing.

In case of
appeal.

9. *And be it enacted*, That in case the said company or the owner or owners of the land and materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power upon good cause shown, to set aside the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the parties, and to order a jury to be struck, and a view of the premises or materials to be had and the said issues to be tried at the next circuit court to be holden in the said county where the lands lie, 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 lands or materials and damages sustained as aforesaid, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefrom; 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 commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of said sum found by said jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land, upon filing of the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, or residing out of this state, the same being first paid into the court of chancery.

Bridges to
be erected.

10. *And be it enacted*, That it shall be the duty of the said company, in order to avoid cutting the adjacent farms, to lay their track along the side of the public roads, or along the lines of division between real estate owners, so far as the directors shall deem the same practicable, and construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road now in use or hereafter shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and good and sufficient fences along the said railroad where the said company assume, or are by the provisions of this act, compelled to maintain the same; and

also where the said road shall intersect any farm or other lands of any individuals, to provide and keep in repair suitable and convenient wagon ways over or under the same.

11. *And be it enacted,* That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and run on said railroads, the spurs and branches thereof, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of any species of property as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of every species of property whatsoever thereon, as they from time to time shall think reasonable and proper, not exceeding sixteen cents per ton per mile on any freights which shall pass over a distance less than the whole length of the road, nor exceeding fourteen cents per ton per mile on any freights which shall pass over the whole length of the said road; and the said railroad and its appendages and lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company, and their successors, for and during the continuance of the charter.

Rates of
transporta-
tion.

12. *And be it enacted,* That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at each of its depots, not exceeding five acres in each place, nor shall the real estate so occupied at the Dickerson Mines extend outside of the road leading from the said Dickerson Mines to the Morris Canal on the west side, and the road leading from the Byram Mines to the King Mines on the east side; and they may erect and build thereon warehouses, depots and such other buildings and improvements as may be necessary for the safety of their property and the transaction of their business.

May pur-
chase and
hold lands,
&c.

13. *And be it enacted,* That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery or works of said corporation, such person or persons shall forfeit and pay therefor to the corporation, the sum of fifty dollars, in addition to three times the amount of damages sustained by means of such injury; to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

Penalty for
injuring
works.

Statement
of cost to be
filed.

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

Proviso.

15. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

May make
contracts
with other
companies.

16. *And be it enacted*, That it shall be lawful for the said company, if they see fit and so choose to do, to hire or lease to, connect or consolidate with any other road, the company of such other road being willing so to unite, and to make contracts and engagements with any other corporation, or with individuals for transporting and conveying any kind of

goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

17. *And be it enacted*, That the said company shall have the power and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges and rights belonging thereto which they may possess under their act of incorporation, to such amount as they may deem expedient, not exceeding at any one time two-thirds of the paid up capital of said company, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and in equity, and the purchaser or purchasers under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by the said company under or by virtue of their act of incorporation, subject nevertheless to all restrictions and limitations contained therein.

Power to
issue bonds

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

Approved March 18, 1867.

CHAPTER CLX.

An act to incorporate the Montclair Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Pearce, Henry C. Spalding, Samuel Wilde, Joseph B. Beadle, Julius H. Pratt, 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 Montclair Railway Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of su-

Names of
corporators

Name.

ing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances, which are hereinafter authorized, and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct.

Commis-
sioners to
receive sub-
scriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places as they or a majority of them may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers to choose nine directors and such election shall be made at the time and place appointed in the said notice, by such subscribers as shall attend for that purpose, either by lawful proxy or in person, each share of the capital stock entitling the holder thereof to one vote; and the above named corporators, or a majority of them, shall be inspectors of such election, and shall certify under their hands the names of those persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid, shall at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president the said board of directors, or a majority of them,

Election of
directors.

may appoint a president *pro tempore*, who shall have such power and functions as the by-laws of the said company shall provide.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said 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.

Not to be dissolved for failure to elect.

5. *And be it enacted*, That five 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, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for a shorter period than thirty days from each other; 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 company, and also shall have power to appoint a treasurer and a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to said board shall appear proper.

Pa ment of installments.

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 or expedient to survey, lay out and construct a railway from the village of Montclair, in the township of Bloomfield, in the county of Essex, to the Hudson river, at the Pavonia ferry, or at the Hoboken ferry, or between the said ferries, and may construct a branch thereof in said township, and may extend the said railway into the townships of Caldwell and Wayne, but said railway shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ to enter at all times upon all lands or waters for the purpose of exploring, sur-

May construct railroad.

veying, levelling and laying out the route or routes of such railway, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works, lay rails and to do all other things which may be suitable or necessary for the completion, repairs or management of said railway, and for the conveyance of passengers and freight to and from the terminus thereof, to and from the city of New York or elsewhere, 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 or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Provide.

Proceedings when and owners cannot agree.

7. *And be it enacted,* That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place shall meet, view the premises and hear

the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned, and how situated and bounded, and described in writing under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party, and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a *venire* in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be, but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in behalf of any such person into the court of chancery to the clerk thereof, subject to the order of the said court for the use of any such

In case of
appeal.

Proceed-
ings in case
of legal
disability.

owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said company, except in cases of appeal above provided for, and the said justice shall and may order and direct as to the amount of costs and charges of such valuation and appraisement and witness fees, and as to the payment thereof in cases where an appeal is made.

Bridges to
be erected.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railway where any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the said railway shall not be impeded thereby, and if the company neglect to perform the same, after giving twenty days' notice to the company, by the person or the public officers having charge of the repairs or maintenance of said road so to do, such person or public officer may do the work or cause it to be done, and recover the value thereof from the company by common process of law.

Rates of
transporta-
tion.

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 said company, and to place on the railway constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons, or any species of property thereon as they may think reasonable, expedient or right; *Provided*, they shall not charge more than at the rate of twelve cents per mile per ton for the transportation of property on the said railway, or eight cents per mile for carrying each passenger on said railway in the carriages of the company, or six cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried on said railway in the carriages of others, and three cents per ton per mile for each empty carriage; and that the railway and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines and carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said railway shall have been

completed, declare and make such dividends as they may think prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively as they may deem prudent and proper.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railway constructed under the provisions of this act by the said company, or any of its necessary ferry boats, or other boats, or vessels, wharves, bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars to be by it recovered in any court having competent jurisdiction, in an action of debt with costs, and further, shall be liable for all damages. Penalty for
injuring
works.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railway, and at its several stations on the lines of the said railway to a sufficient extent to provide accommodations and conveniences for the business of said railway; and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as it may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railway as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act; *provided*, that the bridge constructed by said company over Passaic river shall have a draw of not less than sixty feet in width at a convenient place for the passage of vessels, unless said company shall build said bridge so that the bottom thereof shall be at least seventy-five feet above high water mark and with two openings or spans of at least sixty feet wide; *and provided further*, that any bridge erected by said company over any other navigable stream shall have a draw not less than sixty feet in width at a convenient place for the passage of vessels. May pur-
chase and
hold lands,
&c.

Proviso.

Proviso.

14. *And be it enacted*, That as soon as the railway 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 Statement
of cost to
be filed.

railway, including all expenses, in the office of the secretary of 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 railway; and from and after the said railway or any part thereof shall be in operation, and from and after the earning and payment of dividends amounting to seven per centum per annum for the capital stock of said company; the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the capital stock of said railway, to be paid annually thereafter on the first Monday in January of each year, and such other state tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature has power for that purpose at the time of the passage of such law or laws.

State may
take an ap-
praisement.

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

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

16. *And be it enacted,* That the said railway or some part thereof shall be commenced within two years, and completed within five years from the fourth day of July next ensuing, otherwise this act shall be void.

17. *And be it enacted,* That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract. May make contracts.

18. *And be it enacted,* That the said company shall have the power, and it is hereby authorized to make its bonds, and for the purpose of securing their payment to mortgage its real estate and personal property, railway or railways, and all the appurtenances, franchises, powers and privileges and rights belonging thereto, which it may possess under its act of incorporation to such amount as it may deem expedient, and to sell or negotiate the same at such rate of interest or discount as it may deem for the best interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity, and the purchaser or purchasers under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by said company, under or by virtue of its act of incorporation and any supplements thereto, subject, nevertheless, to all restrictions, conditions and limitations contained therein. Power to issue bonds.

19. *And be it enacted,* That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said railway company. Other corporations may hold stock or bonds.

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

Approved, March 18, 1867.

CHAPTER CLXI.

An act to incorporate Boonton, in the county of Morris.

Boundaries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Pequannock and Hanover, in the county of Morris, situate, lying, and being within the following boundaries, to wit: beginning at and including the house of Frederick Gunther, between the bridge above the falls and Powerville on the westerly bank of the Rockaway river, to a point in the westerly side of the public road opposite the residence of George Elcock, and thence along the westerly side of said public road leading toward old Boonton, to a point where said road intersects the dividing line of lands of Charles A. Righter, and Dudley B. Fuller, and J. Cooper Lord, and thence along the said dividing line to the Rockaway river on the eastern shore thereof, and thence up the eastern shore of said river to where the dividing line of lands late of Nelly Peer and Abraham T. Peer, (now of Nicholas N. Jacobus) intersects the eastern shore of said river, and thence along the said dividing line to the westerly side of the public road leading from old Boonton to Boonton, and thence along the easterly and northerly side of said public road to a point opposite the southerly side of the new blacksmith shop of Francis T. Budd, thence in a direct line to the farm bridge of John L. Kanouse over the Morris canal, and thence in a straight line to and including the residence of William Adkins on the Taylertown road, and thence in a straight line to and including the residence of David Douglass on the summit of Sheep Hill, and thence in a straight line to the place of beginning, shall be and the same are hereby constituted, ordained and declared to be a town corporate, and shall henceforth be called, known and distinguished by the name of "The Town of Boonton."

Election.

2. *And be it enacted*, That it shall and may be lawful for such of the inhabitants of the said townships of Pequannock and Hanover, as may reside within the aforesaid limits on the first Saturday of May next, and who shall have resided in the county of Morris for five months, and in this state for one year immediately preceding that time, and who are in all other respects legal voters, to assemble at Wash-

ington Hall, in Boonton, on the first Saturday in May next, and then and there by ballot, and by a plurality of votes, elect seven trustees, a town clerk, and two inspectors of election, and as soon after said election as the trustees shall be sworn into office as hereafter provided, they shall be, and they are hereby constituted and declared to be in fact and in law, a body politic and corporate, by the name and title of "The Board of Trustees of the Town of Boonton," and by that name they and their successors forever hereafter shall and may have perpetual succession, shall be capable of suing and being sued, in all the courts of this state, may have and use a common seal, and by their corporate name may purchase, hold and convey any estate, real or personal for the use of said corporation.

3. *And be it enacted*, That at the election hereinbefore mentioned, George W. Esten, James Holmes, Garret V. S. Richards and John J. Norris, or such of them as may consent to act, or the survivors of them shall act as inspectors, and Lewis Esther shall act as clerk, and that at said election the polls shall open at one o'clock, P. M. and close at seven o'clock P. M., that the persons elected shall hold their office for one year from the said first Saturday of May yearly, and every year thereafter, the inhabitants aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of trustees, who shall by ordinance prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *provided however*, that the poll at such election shall be open at least from twelve o'clock, noon, until six o'clock in the afternoon, of all which public notice shall be given by the board of trustees at least ten days before each election; *provided also*, that in case of the death, absence or refusal to serve of the person herein named as clerk of said first election, a clerk shall be appointed by the inspectors or inspector as the case may be, and in case of the death, resignation or refusal to serve of any persons elected from time to time as town clerk, or inspectors of election, or any disability preventing him from serving, such town clerk or inspector shall and may be appointed by the board of trustees, and shall hold his office until his or their successors is or are elected and qualified; at all elections held in pursuance of this act except the first, the town clerk shall act as poll clerk. Provided.

4. *And be it enacted*, That the said board of trustees, town

Oath of
town offi-
cers.

clerk and inspectors of election, who shall be elected as hereinbefore provided, shall before entering on the duties of their respective offices, and within five days after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath, that they will faithfully discharge the duties of their respective offices, and in default thereof, the election of the person or persons in default shall be deemed void, and of no effect, in case such default shall appear on the part of one or more of the trustees elected at the first election, a new election shall be held at such time as may be appointed by the said inspectors, and if at any subsequent election, at such time as may be appointed by the trustees for the time being, at least ten days public notice being given of such new election, if such default shall occur on the part of any person elected as town clerk, his default shall be considered as refusal to serve, and the office shall be filled as herein above provided.

Ordinances

5. *And be it enacted*, That within thirty days after said trustees shall have been sworn into office aforesaid, they shall meet in some suitable place and organize by electing one of their number as chairman, and when so organized they shall have power to pass and enact such by-laws and ordinances not repugnant to the constitution or laws of this state, as they may consider proper, for laying out, altering and regulating the grade of streets, roads and sidewalks within said corporate limits, for keeping the same in repair and for preventing or removing obstructions therein; *provided however*, that all streets on the west side of the Rockaway river shall be opened and graded by the owners of the property through which the same shall be laid, and said opening and grading shall in no event be a charge upon the funds of said town of Boonton, for preventing and suppressing riots, and disturbances of the peace, for suppressing vice and immorality and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof, to revoke, alter and amend the same in their discretion, and to enforce obedience to the same by fines and imprisonments; *provided*, no fine shall exceed twenty dollars for the first offence, nor more than fifty dollars for each offence thereafter, and no imprisonment shall exceed sixty days for any offence; *provided also*, that no by-law or ordi-

~Provide.

Provide.

nance affecting the rights of property of said inhabitants shall be valid or binding, unless the same shall receive the votes of at least five of the said trustees, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof, signed by the chairman of said board of trustees and attested by the clerk, shall have been posted for at least twenty days in the room where the said board of trustees shall usually assemble, and in at least three other public places in the said town, and shall be published the same length of time in at least one of the newspapers published in the county.

6. *And be it enacted*, That the said board of trustees may ^{Officers.} appoint a town treasurer, a town marshal, and one or more assistants, a street commissioner, whose duties shall be those of overseer of the roads under the laws of this state, and such other subordinate officers as to them may seem proper and necessary for the good government of said town, who shall give security for the faithful discharge of the duties of their respective offices as the said board of trustees may direct, shall hold their offices during the pleasure of the board, and receive such compensation as may be allowed by the said board.

7. *And be it enacted*, That two persons shall be appointed ^{Police justices.} and commissioned by the said board of trustees as police justices, who shall hold their office for the term as justices of the peace elected under the laws of this state, and shall have and execute the same power and jurisdiction within said corporate limits in criminal cases as justices of the peace now are or hereafter may be authorized to exercise in this state, and shall be entitled to take fees as justices of the peace now are or hereafter may be entitled for like services, the courts held by said justices shall be courts of record, and said justices shall have full power to cause to be kept all ordinances that may be made by said board of trustees for the preservation of the public peace, and for the good government of said town, and all recognizances taken by or before said justices, or either of them, shall be by them forthwith sent to the court of general quarter sessions of the peace of said county.

8. *And be it enacted*, That the said board of trustees are ^{House of detention.} hereby empowered to have erected within said town of Boonton, a suitable building to be used as a house of detention, in which may be committed by the proper authorities, and safely kept, any and all persons arrested for offending

Proviso.

Proviso.

Duties of
marshal
and assist-
ant.

within the limits of said town, against the laws of this state, or any ordinance of said town of Boonton, until the charges preferred can be heard and duly investigated by the magistrate before whom the same are brought, and such offender can be further dealt with as the law directs, and in accordance with the ordinances of said town of Boonton; *provided* that said board of trustees shall not proceed to erect said building until it shall first have been submitted to the inhabitants of said town, at the annual or some other election, (of which due notice shall be given as hereinbefore provided,) and the erection of the same shall have been approved by a majority of the legal voters cast at said election, and the legal voters of said town at such election, shall have power to determine by a majority of the votes then there cast whether any, and if any, what sum of money shall be raised by tax within the limits of the said town of Boonton, for such purposes; *provided further*, that not more than one quarter of the amount ordered to be raised for such purpose shall be assessed upon the inhabitants and taxable property of said town of Boonton, in any one year.

9. *And be it enacted*, That it shall be the duty of the marshal and his assistants to preserve the peace and good order of said town, and they are hereby empowered to arrest any person offending against any of the ordinances of said board of trustees or behaving in a disorderly manner, and disturbing the public peace and quiet, and forthwith bring such person before either of said police justices, or any justice of the peace residing within the limits of said corporation, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice,) and on conviction the said justices shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of trustees, and shall enforce the same by his warrant of commitment, directed to the said marshal, commanding him to convey the offender to the common jail or workhouse of the county of Morris, there to remain or be kept at hard labor for such time as may be provided in said ordinance, and until the fine and costs are paid; *and further*, as regards criminal offences against the laws of this state, committed within the limits of said corporation, the marshal and his assistants are hereby empowered and required to discharge like duties as now are or

hereafter may be required of constables under the laws of this state.

10. *And be it enacted*, That whenever in the opinion of any justice of the peace of the townships of Pequannock or Hanover, public justice requires the immediate service of a criminal process issued by said justice, and no constable is at hand to serve the same, the said justice may direct the same to the marshal or the assistant marshal of the said town of Boonton, and the said marshal or assistant marshal is hereby empowered and required forthwith to proceed to execute the said process in like manner and under like penalties, as constables are required to execute such process, and for so doing he shall be entitled to the same fees as constables for like service.

11. *And be it enacted*, That the jailor of the county of Morris for the time being shall receive and safely keep all such offenders as shall be committed to the jail of said county by the said justices, for the term of his, her or their imprisonment as expressed in the warrant of commitment, and all expenses of keeping said jail shall be borne and paid by the said county of Morris.

12. *And be it enacted*, That it shall not be lawful for any person or persons to exhibit or show within the limits of said town any menagerie or collection of animals, or any circus, play or exhibition of any kind whatsoever, for gain or reward, without first having obtained a license so to do from the said board of trustees.

13. *And be it enacted*, That all actions for the recovery of any penalty or penalties, created or imposed by any ordinance passed by said board of trustees shall be brought and prosecuted in the corporate name of the town or in the name of the treasurer of the town for the time being, and in such actions as well as in all complaints for the violation of any of said ordinances, the records of the board of trustees shall be received as conclusive evidence of the passage of all ordinances recorded therein and signed by the chairman and clerk of said board and the due publication of said ordinances in the manner hereinbefore required, shall in all cases be presumed to have been made unless the contrary is proved, no person shall be deemed incompetent as a witness or juror in any trial in which the town or treasurer of the town is a party by reason of his being an inhabitant of or a taxpayer in said town.

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

Taxes
voted.

Proviso.

Assess-
ments.

the inhabitants of said town, at their annual election for town officers as hereinbefore provided, or at any special election appointed by the board of trustees for that purpose, by notice in writing set up in at least five public places in said town for at least ten days before the day appointed for holding such special election, to vote by ballot for such sum or sums of money as they may think necessary for the purposes of said town of Boonton for the ensuing year; *provided*, they, in the aggregate, shall not exceed in any one year an amount equal to one dollar personal tax for each taxable inhabitant and fifteen cents on each hundred dollars of the valuation of the taxable property within said town, which sum or sums of money so voted shall be assessed by the assessors of the townships of Pequannock and Hanover respectively, at the same time and in the same manner as township and county taxes are levied and assessed, as a separate "corporation tax" upon the persons of the residents of said town of Boonton, and on the taxable property which may be situated within the corporate limits of said town, and it is hereby declared to be the duty of said board of trustees to ascertain and determine the amount to be assessed by each of said assessors, by the number of taxable persons and the amount of taxable property within such parts of said townships respectively, as are embraced within said corporate limits, and to give notice of said amount to each of said assessors at least ten days before the time of completing his assessment, and the collectors of each of said townships are hereby required in like manner as required by law touching other taxes to notify each person of his or her tax under this act, and if any person feels himself aggrieved by any assessment made by virtue of this act he may appeal therefrom to the commissioners of appeals of said townships of Pequannock and Hanover respectively, and his appeal shall be heard at the same time and in the same way that appeals from township or county taxes are heard and determined, and to enable the trustees of said town fully to discharge the duties by this act imposed upon them, it shall and may be lawful for them to borrow, from time to time, any sum or sums of money not exceeding in the aggregate the amount voted as aforesaid for the purposes of said town, and to repay the same out of the taxes imposed as aforesaid, when the same are collected.

Collection
of taxes.

15. *And be it enacted*, That the township collectors of the townships of Hanover and Pequannock are hereby required to pay over to the treasurer of the town of Boonton the

amount of taxes received by them from assessments upon the persons and property within said town of Boonton, in accordance with the preceding sections of this act on or before the thirty-first day of December of each and every year, and the receipt of such treasurer shall be a sufficient voucher for such payment, and said collectors are hereby required to deliver at the same time to said treasurer a list of all such persons as may be delinquent in the payment of said "corporation tax," with the amount due from each, and also to deliver at the same time, to some justice of the peace in said township respectively, a like list of said delinquent tax-payers, with an affidavit that said taxes have been by him duly demanded, and in case of failure to perform any of said duties, said collector shall be liable to prosecution for neglect of duty in manner provided by the general laws of this state, except that it shall be stated in the process and pleadings in said suit that the same is prosecuted for the use of the town of Boonton.

16. *And be it enacted*, That the justice of the peace to whom such delinquent tax-payers shall be returned, shall take the affidavit of the collector that the said taxes have been duly demanded by him, and shall thereupon issue his tax warrant in the form and mode provided by the general laws of this state, and direct the same to either the marshal or treasurer of said town of Boonton, who shall forthwith execute the same in the manner required by the laws of this state for the recovery of delinquent taxes.

17. *And be it enacted*, That for the protection of property against loss or damage by fire, it shall be lawful for the said board of trustees, and they are hereby empowered to enact an ordinance for the establishment and equipment of a fire department, providing in the same for organizing and regulating one or more fire companies, providing fire apparatus and doing such other things as may be deemed necessary to maintain a suitable and efficient fire department, and to expend for such purpose, such sums of money as may be raised therefor by a vote of the inhabitants of said town at any annual election.

18. *And be it enacted*, That nothing herein contained shall in any way interfere with the boundaries of the townships of Hanover and Pequannock, or with the obligation of the citizens and owners of property in the said town of Boonton, to pay their due proportion of taxes assessed from year to year in the townships of Hanover and Pequannock, respect-

Proviso:

ively for county and township purposes; *provided, however*, that so much of said taxes as may be assessed hereafter upon said citizens and owners of property in said town of Boonton, for maintaining, working and repairing the roads of said townships respectively, shall be paid over by the collectors of each township, on the thirty-first day of December in each year, to the treasurer of said town of Boonton, to be expended by the said board of trustees of said town of Boonton, or such officer as they may appoint for that purpose, upon the roads, streets and sidewalks, and other improvements within the limits of said town of Boonton; *provided also*, that nothing in this act contained shall in any way be construed to affect or change the liability of the county to build or keep up the necessary bridges across the Rockaway river within said town limits or to impose such liability on said town of Boonton.

19. *And be it enacted*, That all acts relating to the election of overseers of highways in the townships of Pequannock and Hanover, so far as they relate to the parts of said township embraced within the limits of the town of Boonton are hereby repealed.

20. *And be it enacted*, That this act shall be deemed and taken to be a public act, and as such shall be taken notice of by all the courts of justice of this state.

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

Approved, March 18, 1867.

CHAPTER CLXII.

An act entitled an "Act to incorporate the Water Gap and State Line Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Wildrick, Andrew J. Fulmer, Peter C. Schenck, Jr., William L. Hoagland, William Armstrong and their assigns, and such other persons as may hereafter be associated with them, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Water Gap and State Line Railroad Company," and by that name they and their successors and assigns shall and may have con-

Corporators

Name.

tinual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the object of this corporation.

2. *And be it enacted*, That the capital stock of said company shall be twelve hundred thousand dollars, with liberty to the said company to increase the same to two millions of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

3. *And be it enacted*, That the above named persons may authorize the opening of books to receive subscriptions to the capital stock of said corporation; and at the time of subscribing for said stock five dollars on each share subscribed shall be paid to the commissioners in charge of said books, in lawful money or legal and current bank notes; that whenever there shall be three thousand shares of said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose nine directors, and such election shall be made at the appointed time and place by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, or 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

Capital
stock.

Commis-
sioners to
receive sub-
scriptions.

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

Not dissolv-
ed for
failure to
elect.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made at 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 office until new ones shall be chosen in their places.

Payment of
install-
ments.

Proviso.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company, by such instalments, (not to exceed ten dollars on each share at any one time;) and at such time as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other; and in case of 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 a secretary, and so many clerks and servants as to them may seem meet, and to establish and fix such salaries to them, and to the president, as to the said board shall appear proper.

May con-
struct rail-
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, locate and construct, maintain and operate a railroad from some point on the line of the Warren railroad, at or between the Delaware river and the point where the Belvidere Delaware railroad intersects said Warren railroad, for the purpose of connecting and intersecting with both the said railroads, and thence along or near the said Delaware river, within two miles of said river, to the line dividing the state of New Jersey from the state of New York, not exceeding one hundred feet in width, 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 lands or water, for the purpose of exploring, surveying, leveling or laying out the

route of such railroad, and of locating the same, and to do and erect all necessary 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 always*, that Proviso. 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 be first had and obtained.

7. *And be it enacted*, That if the owners of the lands on which such railroad shall be made shall not be willing to give the same for such purpose, and the said company or owners cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said lands and the quantity taken, by whom owned, and how situated, bounded and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto,

Proceed-
ings when
company
and owners
cannot
agree.

in the clerk's office of the county, there to be kept as a public record, and copies taken if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, giving five days' notice, in writing, to the opposite party of such appeal, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the company, and execution issued if need be; but if the said jury be demanded by the owner or owners of the said land, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners thereof, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct, and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Proceedings when there is a legal disability.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Bridges to be erected.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where

any public or other road 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; and if the company neglect to perform the same, after giving twenty days' notice to the company by the owner or possessor so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation, by common process of law.

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*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road, or six cents per mile for carrying each passenger on said railway 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 and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages and all other property whatsoever belonging to the said company, at any time or times are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act; it shall be lawful for the said company to make contracts and engagements with any other corporation or individuals for transporting and conveying any and all goods, produce, merchandize, freight or passengers, and to enforce the fulfilments of such contracts.

Rates of
transporta-
tion.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net proceeds thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Dividends.

Penalty for
injuring
works.

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

May purchase and
hold lands,
&c.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, machine shops and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain such bridges over all streams of water on the line of the said road as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Statement
of cost to be
made.

14. *And be it enacted*, That as soon as the said railroad or any part thereof is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state; and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state, of the cost of equipment, appendages and expenses of said road, and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday of January in each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon; and personal property as now taxed

in the city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

15. *And be it enacted*, That at any time after the expiration of fifty years from the completion of 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 the legislature within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid, or, in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on said company; or, in case the 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 such road, which report shall be filed in the office of the secretary of this state, and the whole property and interests of said road and appendages thereto 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 to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of stock, and the valuation shall in no case exceed the first cost or valuation of said road with the appendages thereof.

16. *And be it enacted*, That if the said railroad shall not be completed at the expiration of ten years from the first day of July next, then and in that case (except as to the part constructed) this act shall be void.

17. *And be it enacted*, That the governor, attorney-general, the chancellor, the justices of the supreme court, the judges of the court of errors of this state, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their office, and the members and officers of both houses of the legislature of this state, shall pass and repass over said railroad in the cars thereof, free of charge.

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

Approved March 19, 1867.

CHAPTER CLXIII.

An act to incorporate the Baker Silver and Gold Mining Company.

Corporators 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John H. Dudley, Benjamin Cooper, Charles H. Tatem, William M. Cooper, Nathaniel M. Dudley, Peter L. Voorhees and Jones Webster, and such other persons as may be associated with them and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of the "Baker Silver and Gold Mining Company," and by that name shall have perpetual succession and all the privileges and franchises belonging to or incident to a corporation, and the principal business office of said company shall be in the county of Camden.

Capital stock. 2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of twenty dollars each, with the privilege of increasing said capital at any time to an amount not exceeding one million dollars, said capital stock shall be personal property and transferable on the books of the company, in accordance with the by-laws of said company.

Commissioners to receive subscriptions. 3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places, and upon such notice as they shall direct; and at the time of subscribing for said stock, such

amount of each share shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall determine, and the residue of the subscription shall be paid, satisfied or secured, as the directors may determine, in such instalments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time direct, giving notice of such time and place and person or persons, by notice published in a newspaper printed and circulating in the county of Camden, for two weeks, at least once in each week, and upon the failure of any person to pay, satisfy or secure the payment of the instalments or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company; and any shares of stock so forfeited as aforesaid may be held by the said company, or any person or persons for its benefits, and may at any time be sold or disposed of for the benefit of the company as the directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred, with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed; and any land property or materials used in the business of the said company, received in payment or satisfaction of subscriptions for stock shall be taken at a valuation approved by a majority of the stockholders.

4. *And be it enacted*, That whenever fifteen thousand dollars of the capital stock aforesaid, shall have been subscribed, the commissioners or a majority of them, shall, as soon as they deem expedient, give notice in such a manner as they may determine, of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, who shall hold their office for one year and until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, and in all elections each stockholder not holding more than three hundred shares of stock shall have one vote for each share of stock held by them, and stockholders holding more than three hundred shares shall have one vote for every ten shares he or she may hold over three hundred shares, and the directors chosen at such meeting or at the annual election of said corporation, shall as soon as may be after every

Election of
directors

election, choose out of their own number, a president who shall hold his office for one year and until his successor is duly appointed, and in case of the death, resignation, or other incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the then current year.

May
hold lands,
&c.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to buy and hold and convey any lands, tenements, mineral lodes or ores, goods, wares, merchandise whatever, and carry on the business developing mineral lands and digging, mining and producing silver and gold, and other products or minerals from the earth, and manufacturing in all forms, refining, transporting and vending the same, and for that purpose to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey in this, or any other state or territory, such and so many lands, mines, deposits, and such parts, shares and interests therein, as they may deem proper in fee simple or any less estate; and to purchase, rent, hire, erect, build, hold, maintain and use, grant, demise, lease and convey such buildings, trainways, aqueducts, drains, tanks, engines, machinery and other real and personal property as they may deem necessary or proper for developing their property and carrying on their business; and when by the laws of the state or territory where any of the property may be situate or be, the said company may not be authorized or capable to have, hold, enjoy or convey, rent and lease the same or the legal estate therein themselves or otherwise, when they may think proper the said company may purchase, hire, rent, have, hold, use, enjoy, grant, lease and convey any trust or other equitable, or beneficial estate or interest, as cestui que trust or otherwise, on any property which may be purchased, hired, leased or held by trustees or other persons, for the use or benefit of said company; and the same shall make part of the value of, and be represented by the stock of said company; *provided*, that the said company shall not be taxed in this state for or by reason of, or of any interest in any real estate situate in any other state or territory and taxed therein.

Provided.

Seal and
officers.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint from their own number or otherwise, a treasurer and secretary, and such other officers of the board of the company as they may deem proper and

to fix their salaries; to borrow such sums of money as they may from time to time deem advisable, to an amount not exceeding two-thirds of the capital stock paid in for the purposes of said company, and to issue the bonds of the said company therefor, and secure the payment of the same by a mortgage or mortgages on the lands, estate and other property of said company, and to make such by-laws, not inconsistent with the provisions of this act, as they may think proper, regulating the issuing and transfer of stock, and for the general government and management of the affairs of the company. ^{Power to issue bonds}

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

Approved, March 19, 1867.

CHAPTER CLXIV.

An act to authorize the Trustees of the Methodist Episcopal Church of the City of Perth Amboy to sell and convey certain real estate.

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

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

Approved, March 19, 1867.

CHAPTER CLXV.

An act to create Marshfield School District in the town of Orange.

Name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the Ashland school district in the town of Orange, in the county of Essex, and the Franklin school district in said town, and all that part of the Central school district within the bounds of the first ward of said town, and all other parts of the said first ward, shall constitute one school district, and be known by the name of the Marshfield School District.

Election of trustees in school district. 2. *And be it enacted*, That the terms of office of all the trustees of the said Ashland and Franklin school districts shall expire on the first Monday in April next, and that the first election of trustees for the said Marshfield school district shall be held on that said day, at the Park House in the first ward of said town, at the hour of eight in the evening, by the persons and in the manner authorized and prescribed for the first election of school district trustees, in the eighth section of the supplement to the act entitled "An act to establish public schools," which supplement was approved March fourteenth, eighteen hundred and fifty-one.

3. *And be it enacted*, That the trustees of the said Marshfield school district shall be a body politic and corporate for all the intents and purposes enumerated and contemplated in the ninth section of the aforesaid supplement to the act entitled "An act to establish public schools."

4. *And be it enacted*, That it shall be lawful for the trustees of the said Marshfield school district to appropriate all moneys that may now be in the custody of the town superintendent of public schools of the said town of Orange, or elsewhere, belonging to the said Ashland and Franklin school districts, to the purchase or building of a suitable school house for the said Marshfield school district.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect on the first Monday in April next.

Approved, March 19, 1867.

CHAPTER CLXVI.

An act to incorporate "The Hightstown Manufacturing Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That M. F. Mount, Joseph McMurran, Job S. Rogers, J. C. Norris, T. C. Pearce, R. A. Outcalt, A. J. Smith, George R. Moore, Alfred Perrine, O. H. Reed, C. I. Coward, Joseph H. Jameson, and such other persons as may hereafter be associated with them, shall be and they are hereby declared a body corporate and politic, in fact and in name, by the name of "The Hightstown Manufacturing Company." Corporators.

2. *And be it enacted*, That the original capital stock of said company shall be ten thousand dollars, with power to increase the same to one hundred thousand dollars, which stock shall be divided into shares of fifty dollars each. Capital stock.

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 nine directors, being stockholders, one of whom to be president, who, after the first directors hereinafter named, shall hold their office for one year, and until others shall be elected in their stead; the number of said directors to be fixed from time to time by the stockholders, at their annual meeting; that the first election of directors by said company shall be held on the first Monday in March, in the year of our Lord one thousand eight hundred and sixty-eight, and on the first Monday in March annually thereafter, at such time and place in the borough of Hightstown aforesaid as the directors for the time being shall direct, of which election public notice shall be given in one paper in the borough of Hightstown aforesaid, at least two weeks previous thereto; and the first directors shall be M. F. Mount, Joseph McMurran, Job S. Rogers, J. C. Norris, T. C. Pearce, R. A. Outcalt, A. J. Smith, George R. Moore, Alfred Perrine, O. H. Reed, C. I. Coward and Joseph H. Jameson, who shall hold their office until the first Monday in March, in the year of our Lord one thousand eight hundred and sixty-eight, and until others are elected in their places. Election of directors.

4. *And be it enacted*, That it shall be lawful for the direc-

Payment of
install-
ments.

tors of said company to call and demand from the said stockholders of said company, 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 in sixty days after notice requiring such payment shall have been published for that time in one newspaper printed and published in the borough of Hightstown aforesaid.

5. *And be it enacted*, That the stock, property and concerns of said corporation, of whatsoever name or kind, shall be deemed and held 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 and registered in the book or books to be kept by the directors of this company for that purpose.

Not dissolv-
ed for
failure to
elect
directors.

6. *And be it enacted*, That in case an election of directors should not take place on 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 it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Manufac-
ture.

7. *And be it enacted*, That the said corporation is hereby authorized and empowered to manufacture all kinds of boots, shoes and gaiters, and transact all business incident to the same.

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

Approved March 19, 1867.

CHAPTER CLXVII.

An additional supplement to the act entitled "An act for erecting the town of Fieldsborough, in the County of Burlington, into a borough," approved March seventh, eighteen hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That at the election for officers of the

borough of Fieldsborough the polls shall open at ten o'clock A. M., and close at seven o'clock P. M., instead of closing at four o'clock P. M., as is now required in the third section of the original charter of said borough. Opening of
polls.

2. *And be it enacted*, That it shall and may be lawful for the inhabitants of the said borough of Fieldsborough to hold their annual town meeting at half-past seven o'clock P. M., of the day previous to the annual borough election, instead of its being held after the closing of the polls of said annual borough election, as is now required in the fourth section of the aforesaid original charter.

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

Approved, March 19, 1867.

CHAPTER CLXVIII.

An act to amend an act entitled "An act to revise and amend the charter of the city of Elizabeth."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of an enactment entitled "An act to revise and amend the charter of the city of Elizabeth," and all acts amending the same as declares the election for municipal officers for the said city of Elizabeth, and for members of the board of chosen freeholders of the county of Union named therein, shall be held in the several wards of the said city on the second Monday in April in every year, be and the same is hereby repealed. Repealed.

2. *And be it enacted*, That the election for officers for the said city of Elizabeth, viz.: mayor, councilmen, surveyors of highways, commissioners of public schools, police justices, assessors, inspectors of registry and elections, clerk, commissioners of appeal in cases of taxation, chosen freeholders and constables, shall be held in each ward of the said city, at the same time and in the same manner as is now prescribed by law for the election of members of the general assembly of the state of New Jersey, and shall hold their said offices respectively for the term of one year, viz.: from the first day of January succeeding each election, till the first day of January in the following year, except the Changing
time of
charter
election
until No-
vember.

Proviso.

school commissioners and members of the council, whose terms of office shall be for two years; *provided*, that at the first stated meeting of the first city council, whose election is herein provided for, they shall appoint a suitable person, a citizen of Elizabeth, who shall be receiver of taxes, and shall perform the duties of said office, as now required by law, and shall hold his office for the term of two years from

Proviso.

January first eighteen hundred and sixty-eight; *provided*, further, that the city council shall at their first stated meeting in every alternate year thereafter, nominate a suitable

Receiver of taxes.

person, a citizen of Elizabeth, to the office of receiver of taxes, and the compensation of such office shall be the same as now provided by law, and the said receiver of taxes directed to be elected under this section, and his successors in office, shall enter upon the discharge of the duties of such office and hold the said office for two years, viz.: from the first day of January preceding such election; but in case of death, resignation, or removal from the city, the city council shall then fill the vacancy, in the same manner as herein provided for the election of receiver of taxes.

Remain in office.

3. *And be it enacted*, That the present incumbents of said offices named in the second section of this act, and the receiver of taxes, shall continue in and hold their said offices respectively, and perform all the duties thereof as required by law, until the first day of January, eighteen hundred and sixty-eight.

4. *And be it enacted*, That the second section of the first title of an act entitled "An act to revise and amend the charter of the city of Elizabeth," be and the same is hereby repealed.

City divided into eight wards

5. *And be it enacted*, That the said city of Elizabeth shall be and is hereby declared to be divided into eight wards, as follows, the same to be and remain in force for the term of ten years from the passage of this act, anything in the charter of the city of Elizabeth or any of the supplements thereof contained, to the contrary notwithstanding:

First Ward.—The first ward to take in and include all that portion of the said city bounded as follows, viz.: beginning at Staten Island Sound where the center line of Broadway extended strikes said sound, thence northwesterly in the center of Broadway to the center of Sixth street, thence southwesterly in the center of Sixth street to the center of Water street, thence southerly in the center of Water street

to the center of Niles street, thence westerly in the center of Niles street to the center of Elizabeth river, thence down the center of said river to Staten Island Sound, thence northeasterly along said Sound to the place of beginning.

Second Ward.—Beginning at Staten Island Sound where the center line of Broadway extended intersects the same, thence northwesterly along the center of Broadway to the center of Sixth street, thence northeasterly in the center of Sixth street and the continuance of the same to the Union county line, thence easterly along said county line to New-Boundaries ark Bay, thence southwesterly along said Bay and Staten Island Sound to the place of beginning.

Third Ward.—Beginning at a point in the middle of Elizabeth river where the same is intersected by the center line of Niles street extended westerly, thence easterly in the center of Niles street to the center of Water street, thence northwesterly in the center of Water street to the center of Sixth street, thence northeasterly in the center of Sixth street and continuing the same course to the Union county line, thence westerly along said county line to the center of Neck Lane, then southerly in the center of Neck Lane to the center of Meadow street, thence southwesterly in the center of Meadow street to the center of Port avenue, thence southeasterly in the center of Port avenue to the center of Spring street, thence southwesterly in the center of Spring street to the center of South street, thence northwesterly in the center of South street to the middle of Elizabeth river, thence southerly down the middle of said river to the place of beginning.

Fourth Ward.—Beginning at the intersection of the middle of Elizabeth river with the center line of South street, thence southeasterly in the center of South street to the center of Spring street, thence northeasterly in the center of Spring street to the center of Jersey street, thence northwesterly in the center of Jersey street to the center line of the New Jersey Railroad, thence southwesterly in the center line of said railroad to the middle of Elizabeth river, thence down the middle of said river in a general southerly direction to the place of beginning.

Fifth Ward.—Beginning at the center of the intersection of Jersey and Spring streets, thence northeasterly in the center of Spring street to the center of Port avenue, thence northwesterly in the center of Port avenue to the center of Meadow street, thence northeasterly in the center of Mea-

dow street to the center of Neck Lane; thence northerly in the center of Neck Lane to the Union county line, thence westerly along said county line to the Union township line, thence southerly and westerly along the Union township line to the center of Broad street, formerly called Newark road, thence southerly in the center of Broad street to the center of Jersey street, thence southeasterly in the center of Jersey street to the place of beginning.

Sixth Ward.—Beginning at the center of the intersection of Jersey street and Broad street, thence northerly along the center of Broad street, formerly called Newark road to the Union township line, thence southwesterly along the Union township line to the center of Chilton street, thence southerly in the center of Chilton street to the center of Jersey street; thence easterly in the center of Jersey street to the place of beginning.

Seventh Ward.—Beginning at the intersection of the centers of Chilton street and Jersey street, thence northerly in the center of Chilton street to the Union township line, thence southwesterly and westerly along said township line to the Linden township line, thence southeasterly along the Linden township line to the center line of the New Jersey Railroad, thence northeasterly along the center line of said railroad to the center of Jersey street, thence westerly in the center of Jersey street to the place of beginning.

Eighth Ward.—Beginning at the intersection of the center line of the New Jersey Railroad with the middle of the Elizabeth river, thence southwesterly in the center line of said railroad to the Linden township line, thence southeasterly along said township line to Staten Island Sound, thence northeasterly along said sound to the mouth of Elizabeth river, thence up the center of said river its several courses to the place of beginning.

Election.

6. *And be it enacted*, That at the first general election held after the passage of this act, one school commissioner shall be elected from each ward, and those elected from the first, third, fifth and seventh shall hold their offices for two years from the first of January thereafter, and those elected from the second, fourth, sixth and eighth, shall hold their offices for one year from the first of January thereafter;

Proviso.

Provided, also, that at the first general election two members of the city council shall be elected from each ward, the first named on the ticket for each ward receiving the greatest number of votes to be declared elected for two years from

the first of January thereafter, and the second named receiving the greatest number of votes shall be declared to be elected for one year from the first of January thereafter, on and after which date the duties of the present city council and all other officers elected for the said city shall terminate, except the receiver of taxes, whose election and term of office is herein provided for.

7. *And be it enacted*, That each of said wards is hereby declared to be an election district, and that the city council of the city of Elizabeth shall, on or before the first day of October A. D., eighteen hundred and sixty-seven, appoint three inspectors of registry and elections and a ward clerk, in and for each of the wards of said city, who shall qualify and perform the duties of their said offices respectively and receive compensation as now by law provided; two of said inspectors shall be appointed from one political party, and the other inspector and clerk from the opposite party in each ward.

8. *And be it enacted*, That all acts or parts of acts that conflict with or are inconsistent with these amendments, are hereby repealed, and this act shall be deemed and taken to be a public act, and take effect immediately.

Approved, March 20, 1867.

CHAPTER CLXIX.

An act to incorporate the Eagle Point Meadow Company, in the County of Gloucester.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the owners and possessors of the meadows and marsh known as the Eagle Point Meadows, adjoining the River Delaware, in the township of Deptford and county of Gloucester, are hereby incorporated and constituted a body politic and corporate, under the name, style and title of "The Eagle Point Meadow Company."

2. *And be it enacted*, That William R. Tatum, John C. Smallwood, and Joseph L. Rees, of said county, are hereby appointed commissioners, who, or a majority of whom, shall at any time between the passage of this act and the first day of July next, after giving two weeks notice in writing to

Name.

Commissioners to make survey, &c.

each of the owners or possessors of said marsh or meadow, or by advertising the same in "The Constitution" for the like space of time, stating the time and place of their meeting, cause a survey to be made of the exterior limits or boundaries of the said meadows and marsh, and shall also cause each owner's and possessor's share, within said limits, to be strictly measured, and a correct plot or map of the whole to be made, exhibiting the entire bounds of said survey, as also the number of acres held by each one, and shall also make a valuation of the same, having regard to quantity and quality; and their map, report and valuation, under their hands, or under the hands of a majority of them, in writing, shall be given to the managers, to be elected as directed in section third of this act, (after having caused said report and valuation to be recorded in the Road Book in the Clerk's Office of said County,) which shall remain in their possession during their continuance in office, and at the expiration of such term, be delivered to their successors, and shall be entered in the manager's book, and received as evidence of each owner's quantity of acres, and the value each lot is rated at; and all assessments thereafter shall be made in the same ratio.

Meeting to
elect man-
agers.

3. *And be it enacted*, That on the first day of July, eighteen hundred and sixty-seven, the meadow owners shall meet at the present dwelling house of Benjamin Cloud, near said meadows, and by a plurality of votes, elect two managers, who shall serve until the next annual meeting, which is to be on the first Tuesday of March, eighteen hundred and sixty-eight, at one o'clock P. M., at the house of Benjamin Cloud, aforesaid; and in all cases in which there shall be a failure to elect annually two managers, the persons serving during the past year shall be continued in office until others are chosen; and at each annual meeting the time and place for the next annual meeting may be determined; and the votes given at all times under this act, shall be, by the quantity each owner or possessor may have, allowing one vote for every three acres; and as there may be one or two of the present meadow owners who may have less than three acres each, he or they also shall be entitled to one vote each.

4. *And be it enacted*, That in case of death, or for any other cause, the said commissioners, or either of them, shall not act, other commissioners may be appointed in the places of such as shall not act, by any three or more of the meadow holders, by writing under their hands, and he or they so ap-

pointed, shall be empowered to act as if named in this act.

5. *And be it enacted*, That it shall be the duty of the managers to construct and maintain a bank, sluice and such other works as may be needful, for the purpose of effectually draining the said meadows and marsh, and to keep out the tide water; and the said managers shall be allowed to get mud or earth, inside the said river bank in such cases of emergency only, as will not, without serious loss, admit of the usual mode of obtaining materials from the outside; and the injury done to the said premises, under the circumstances aforesaid, shall be paid for or repaired by the managers, at the cost of said company; and if the managers shall neglect to pay or repair as aforesaid, for the space of six months, then the owner of said meadow may do it, and deduct the amount of cost from his assessment or assessments; and the said managers shall dig, open, and clear out all such main sluice races and water courses as far up as the said commissioners shall direct to be kept at all times open and clear, of such width and depth as to give the water a sufficient fall off said meadows, and all line ditches necessary for draining the said meadows, shall be dug and kept open, agreeably to the directions of the said managers, by and at the expense of the soil adjoining; and if any of the said owners shall refuse or neglect to dig or cleanse their proportion of such line ditches, or clear out their own particular ditches, for thirty days after notice in writing for that purpose having been given to said owner or possessor thereof by the managers, it shall and may be lawful for said managers, or any one of them, to enter upon the premises, and dig or cleanse such ditches, (the mud in all line ditches and main sluice races or water courses to be thrown as equally as may be on each side thereof,) and recover the cost and expenses thereof by action of debt against the person or persons whose duty it was to have performed the same, in the manner aforesaid.

Duty of managers.

6. *And be it enacted*, That the managers in the manner named, shall assess and collect, from the several owners of the meadow and marsh, within the bounds of the commissioners' survey, all sums that may from time to time be needful for the purposes of their duty, as prescribed in this act.

Managers may assess and collect.

7. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money, assessed as aforesaid, for the space of thirty days

after notice to him or them, or left at their usual place of abode, by either of the said managers it shall and may be lawful for the said managers, in the name of the Eagle Point Meadow Company, to recover the amount thereof in action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence; and on proof of such notice having been given as aforesaid, the court in which such action may be brought shall give judgment for the sum assessed, or so much thereof as appears to be due, with costs of suit.

Security for
expenses.

Proviso.

8. *And be it enacted*, That for the security of all moneys expended or to be expended under this act, all the meadow and marsh that shall be inclosed within the said commissioners' survey, shall be a pledge for the payment thereof, into whose hands soever the same may come, notwithstanding any judgment, execution, sale, or alienation thereof; *provided*, that no other property of the defendant, except the said meadow and the produce thereof, shall be in any way liable; and the said managers shall, for the recovery of the sum or sums of money so assessed, and for the debts and costs after judgment is obtained as aforesaid, enter upon and take the rents, issues, and profits thereof, or sell and dispose of the grass, hay, or grain thereon, or may sell, by public vendue, for a year or term of years, the meadow and marsh of each delinquent, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will liquidate the so unpaid sum or sums, with costs and expenses; and it shall be the duty of the managers to give at least twenty days previous notice of the time and place of such sale, by advertisement in three of the most public places in the neighborhood of said premises, before they proceed to enter on, lease, or sell the property of any delinquent.

9. *And be it enacted*, That whenever the managers shall deem it necessary to call a special meeting of the Eagle Point Meadow Company, they shall give at least two weeks notice thereof to each member, designating the time, place, and object of such meeting; and no business unless so designated shall be transacted at such meeting.

Vacancies,
how filled.

10. *And be it enacted*, That in case either of the managers shall die, or be unable, or refuse to serve during the term for which they were elected, the said vacancy or vacancies may be supplied at a special meeting, as provided for in the ninth section of this act; and the said managers, or any

other person, shall not suffer the tide to flow into or upon the said meadow, unless authorized by a three-fourths vote upon the basis aforesaid, at an annual or regularly called special meeting of said company.

11. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book in which shall be entered all their proceedings, and a just and true account of all moneys they may receive and expend, and shall at every annual meeting exhibit the same, with fair vouchers, to the said company, and shall pay over the balance, if there be any in their hands, and deliver the said books and all the other papers of the said company, to their successors in office; and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they the said managers, or either of them, shall forfeit and pay for a breach of their trust and such wilful neglect of their duties, respectively, the sum of fifty dollars, to be recovered by action of debt in any court of competent jurisdiction, with costs of suit, by any or either of the owners or possessors aforesaid, and shall be further liable to pay all damages that may arise from, or by their gross negligence, in an action on the case, with costs of suit, in any court which has cognizance thereof; and the money so recovered and received is to be paid over to the succeeding managers; and the said managers shall be accountable for any moneys remaining in their hands at the end of every year; and if the said managers refuse to pay over such balance to their successors, then and in that case, their successors in office shall sue for and recover the same, with costs of suit, in any court of competent jurisdiction.

12. *And be it enacted*, That the said managers, before entering upon the discharge of their duties, shall give bond, with sufficient security, and in such amount as the meeting at which they were appointed shall decide, for the true and faithful performance of their duties, as prescribed by this act, to the Eagle Point Meadow Company," who shall receive the said bond from said managers, and prosecute said bond in any court of competent jurisdiction, when so ordered by the said company.

Managers
shall give
bond.

13. *And be it enacted*, That if any person or persons shall wilfully damage the said banks, dams, sluices, gates, or any of the water works of said company, he, she, or they, shall for every such offence forfeit and pay twenty dollars, to be recovered, with costs, before any justice of the peace in the

Penalty for
damaging
the works,
&c.

county of Gloucester, and shall be further liable to pay all damages that may arise from such injury, to be recovered in an action of trespass, in any court having cognizance thereof, with costs of suit, and the managers for the time being are hereby enjoined and authorized to prosecute said action or actions, in the name of said company, and to apply the damages so recovered and received to repair the works.

Names of
meadow
owners en-
tered in
book.

14. *And be it enacted*, That the managers of said company shall, at the expense thereof, procure and keep a book, and shall see that the names of all the owners and possessors for the time being, with the quantity owned or possessed by each, are entered therein, and make fair entries of all the proceedings at the annual or other meetings of said company, and all such other entries from time to time as may be necessary for the well ordering of their affairs; and shall also make out duplicates of all assessments, and shall produce all papers and other property of the company in their possession at the annual meeting, and deliver them over to their successors in office.

Proceed-
ings in case
of neglect.

15. *And be it enacted*, That if at any time any one or more of said owners or possessors, shall believe that the said water courses are not properly kept open, or any other works of said company are not properly attended to, such owner or possessor may apply in writing, to the court of common pleas of the county of Gloucester; (after having given said managers at least ten days notice in writing,) which court shall thereupon appoint three judicious, disinterested freeholders of said county as commissioners, who upon giving the like notice as directed in the second section of this act, shall proceed to view the premises, and if in their opinion, or the opinion of any two of them, they shall find any matter contained in said application needful to be done, they shall certify the same to the said managers, under their hands, and also to the said applicant; and the report shall be entered in the company's book; and the said managers shall without unnecessary delay, proceed to carry out the said commissioners' directions, and pay all the expenses as in other cases; unless the said commissioners or a majority of them shall decide that such application was uncalled for and needless; then such applicant or applicants, shall be at the expense attending the same; and if at any time hereafter the managers shall think it necessary to have a new valuation of the meadow and marsh made, they shall notify the owners by giving sixty days notice before the annual meeting;

and the owners there present shall elect by a plurality of votes three good and disinterested freeholders to act as commissioners; and said commissioners so chosen shall perform their duty as specified in a former section of this act; and said valuation so made shall be entered in the company's book, and the said managers shall be governed in their future assessments by it.

16. *And be it enacted*, That the commissioners provided for in the second section of this act, and such others as are by the provisions of the fifteenth section thereof, to be paid by this company, shall receive from the managers two dollars per day for each and every day they or either of them, respectively, shall be employed in discharging any of the duties herein enjoined, and all other aids and assistants by them employed, such compensation as the said commissioners shall conceive them entitled to be paid by the managers for the time so employed, out of the funds of the said company; and the fees, wages, or remuneration of all the officers chosen or to be chosen by the said meadow-holders, shall be fixed and determined by a majority of the votes of said company, at its annual meeting, previously to the election of officers for the ensuing year. ^{compensation.}

17. *And be it enacted*, That the managers under the old law shall make a final settlement with the meadow owners, in the manner heretofore regulating them, so that no claim for arrearages shall come upon the managers to be appointed under this act; and the said managers under the old law shall assess, if needful for the said purposes, so as to close up the business of their appointment as aforesaid; and if they fail to accomplish it by the first day of July, 1868, they shall be held liable for the amount not liquidated, to the managers to be appointed, as mentioned in section three, of this act, and which shall be recovered by them (with costs of suit,) before any proper tribunal; and if any money shall be left in the old managers' hands, after having fulfilled their duties as aforesaid, they shall hand it over to the new managers to be appointed as aforesaid, previously to the fourth day of July, 1868; together with all the books and papers in their hands belonging to the said meadow company, and the said old managers, shall continue their duties in charge of the banks, &c., until managers shall be chosen under this act.

18. *And be it enacted*, That so much of the law incorporating the Eagle Point Meadow Company, and any law conflicting with this act, be, and the same is hereby repealed.

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

Approved, March 20, 1867.

CHAPTER CLXX.

An act to incorporate the New Jersey Ice Company.

Preamble.

WHEREAS, William W. Shippen, William Letts, James R. Hill and others, under and by virtue of the provisions of an act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and the supplements thereto, have associated themselves into a company under the name of "The New Jersey Ice Company," and whereas the said company are desirous of obtaining a special charter and act of incorporation to carry out the objects for which said company was organized; now, therefore,

Corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, William Letts, Charles T. Perry, and Edwin A. Stevens, and their associates, heretofore known as "The New Jersey Ice Company," and such other persons as may hereafter be associated with them, and their successors, shall be, and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The New Jersey Ice Company," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto in all the courts of law and equity in this state.

Objects.

2. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created, shall be the gathering, procuring, preserving, storing, purchasing, buying, selling, transporting and vending ice as an article of merchandise, and for that purpose they and their successors are hereby invested with full power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, boats, floats, and to do any and all things which they may deem proper or requisite in the carrying on or management of their said business.

3. *And be it enacted*, That the capital stock of the said cor-

poration shall be two hundred thousand dollars, with the privilege to increase it at any time to a sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the capital stock shall be considered as personal property and shall be transferable on the books of the corporation in such manner as may be prescribed in the by-laws of said corporation; and the stock and transfer books as well as the books of account of the said corporation shall be open at all times, but at reasonable hours, to the inspection of the stockholders.

4. *And be it enacted*, That the subscriptions heretofore made to the capital stock of the said The New Jersey Ice Company, organized under the general manufacturing acts, be deemed and taken to be subscriptions to the capital stock of the company created by this act, and William W. Shippen, Francis P. Gautier, Charles E. Gregory, William H. Bumsted, Robert McLaughlin, Lafayette Tompkins and William Letts, shall be the directors of the company created by this act, and shall hold office until the first Monday of November, eighteen hundred and sixty-seven, and until others shall have been chosen in their place and stead; and said board of directors shall have full power and authority, from time to time, to call on the subscribers to the capital stock of the said company organized under the general manufacturing act for payment of any instalments remaining unpaid, in such sums, and at such times, and under such forfeitures as they may deem expedient.

5. *And be it enacted*, That the said corporation hereby created shall from time to time, have power and authority to make, ordain and establish such constitution and by-laws and regulations as they, or a majority of them shall deem proper, and to alter and change the same at pleasure for the designation of the officers of the said corporation hereby created, and the election of the same, for prescribing their several functions and their compensation and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said corporation; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state, or of the United States, and all acts and proceedings heretofore done and taken by the said New Jersey Ice Company, under the general manufacturing law, shall be deemed and taken in fact and in law to have been done by the company incorporated by this act.

May purchase real estate, &c.

6. *And be it enacted*, That the said corporation hereby created shall have power and authority from time to time, and at all times to acquire, purchase, or lease, and use, hold, possess and enjoy such real estate and such personal estate in this state and in the state of New York as they shall deem necessary for the purposes of the said company, and the same or any part of such real or personal estate, to sell, mortgage, lease or otherwise dispose of at pleasure; and also with power and authority to make, build and construct on the real estate so held by them, such buildings, roads and other improvements as they may deem proper and necessary for the better carrying into effect the objects and provisions contemplated by the provisions of this act.

Directors.

7. *And be it enacted*, That the management of the concerns of the said corporation shall be vested in seven directors to be selected from the stockholders, and after the expiration of the term of office of the board of directors named in this act, all subsequent elections of directors and vacancies in the board of directors shall be held and filled at such time and in such manner as may be prescribed in the constitution, rules, regulations, and by-laws of the said corporation, and that a majority of the said board of directors shall form a quorum for the transaction of business.

Penalty for damaging property.

8. *And be it enacted*, That that if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage any boat, float, vessel, store or warehouse, or other appendage, or any real or personal property used or employed by the said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years, or both; *provided however*, that no such criminal prosecution shall take away, or in any way impair the right of the said company to an action of damages by a civil suit.

Proviso.

9. *And be it enacted*, That the corporation hereby established shall continue in force for fifty years, and shall possess all the powers in addition to those herein granted, except as otherwise in this act provided, as are granted and imposed by the act concerning corporations, approved February four-

teenth, eighteen hundred and forty-six, so far as applicable hereto.

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

Approved, March 20, 1867.

CHAPTER CLXXI.

A supplement to the act entitled "An act to incorporate the People's Mutual Fire and Marine Insurance Company, of Newark, New Jersey," approved March fifth, eighteen hundred and sixty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when the said capital stock of fifty thousand dollars shall be subscribed and ten thousand dollars paid in, that then the subscribers to said capital stock upon ten days previous notice in a newspaper published in the city of Newark, given by the commissioners herein-after named, shall proceed to the election of the board of directors, which said board of directors shall then proceed to the election of a president, a treasurer, and secretary, and the appointment of such other officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person.

Election of
directors

2. *And be it enacted*, That John McGregor, Andrew A. Smalley, John H. Meeker, John G. Trusdell and Christian H. Scharf, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days previous notice of the time and place of the opening of said books shall be given to the said commissioners, or a majority of them, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners or a majority of them so to do.

Commissioners to
receive sub-
scriptions.

3. *And be it enacted*, That the said board of directors shall be twenty-nine in number and shall hold their office until others shall be elected in their stead, in accordance with the fifth section of this act.

4. *And be it enacted*, That such portions of the second, fourth and fifth sections of the act to which this is a sup-

plement, as are inconsistent herewith, be and the same are hereby repealed.

5. *And be it enacted*, That the regular annual election of directors of said company shall take place on the second Monday of January in each and every year in accordance with the provisions of the fourth section of the act to which this is a supplement.

Approved March 20, 1867.

CHAPTER CLXXII.

An act to revive the Boonton Cemetery Association.

Preamble.

WHEREAS, on the first day of August, eighteen hundred and fifty-one, at Boonton, in the township of Pequannock, in the county of Morris, there was organized a cemetery association under the title of "the Boonton Cemetery Association," in conformity with the provisions of the law of this state, providing for the formation of "Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one; *And whereas*, the said association has held no annual election for trustees and officers since the second day of March, eighteen hundred and fifty-nine; *and whereas*, there are funds in the hands of the treasurer of the said association applicable to the improvement of the grounds of the said cemetery, and also lots unsold in said cemetery; *And whereas*, it is needful for the proper protection of the property of the said association, and of the rights of the holders of lots in said cemetery, that the said association shall be continued; now, therefore,

Trustees continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees and officers of the Boonton Cemetery Association, organized according to law, on the first day of August, eighteen hundred and fifty-four, at Boonton, in Pequannock township, in the county of Morris, who were legally in such trusteeship and offices on the first day of March, eighteen hundred and sixty, or the survivors of them, be, and they are hereby continued trustees and officers of said the Boonton Cemetery Association until the first Wednesday of May next.

2. *And be it enacted*, That on the first Wednesday of May

next, and annually thereafter, the said "the Boonton Cemetery Association," shall hold an election for trustees and officers, in conformity with the requirements of the law of this state providing for the formation of "Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one; the said election on the first Wednesday of May next being subject to the provisions of said law, approved March fourteenth, eighteen hundred and fifty-one, applicable to the first annual election of said association.

3. *And be it enacted*, That the trustees and officers duly chosen at any annual election of the Boonton Cemetery Association shall continue in office until their successors are duly elected and qualified.

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

Approved, March 20, 1867.

CHAPTER CLXXIII.

A supplement to the act entitled "An act to incorporate the Dime Savings Institution of the City of Newark," approved March tenth, eighteen hundred and sixty-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the annual meeting of the managers of said institution shall be held on the second Tuesday in May, in each year, instead of the first Monday of April.

2. *And be it enacted*, That the said corporation in addition to the power given by the said act, 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.

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

Approved March 20, 1867.

CHAPTER CLXXIV.

An act to incorporate the Excelsior Brewing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Hunt Adams, Frederick Reynolds, Louis Greiner, John H. G. Hawes, Reuben D. Baldwin, James E. Goll, David Ayres, Isador Lehman and William Bellamy and 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 Excelsior Brewing Company, for the purpose of carrying on the business of making malt and fermented liquors and preparing all the ingredients pertaining thereto, and that the persons above named 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, hereditaments, patents, patent rights, goods and chattels of whatever kind or quality necessary for the carrying on of said business, and the said lands, tenements, hereditaments, patents, patent rights, goods and chattels or any part thereof to sell, dispose of, mortgage and convey by deed or otherwise, and to have full corporate powers in all courts of law and equity.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, which shall be divided into shares of fifty dollars each, and after five hundred shares shall have been subscribed, and twenty-five thousand dollars shall have been paid in or satisfactorily secured, such company may purchase buildings, lands and other property necessary for their business, and issue stock or bonds to the subscribers thereto; said bonds shall not exceed in the aggregate two-thirds in amount of the paid up stock of the company.

3. *And be it enacted*, that the subscription books of the said stock shall be open at such times and places as the directors shall designate, under their direction, or such of them as shall be appointed by the board of directors for that purpose, and that their principal office shall be in the county of Essex.

4. *And be it enacted*, that the stock, bonds, property and concerns, of said company shall be managed and conducted by nine directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the second Tuesday of January, in every year, and that the said directors shall be chosen on the second Tuesday of January in every year, or other day to be fixed by the by-laws, at least six months previous to their election, at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the nine persons who shall receive the greatest number of votes, shall be the directors; in said election each share of stock shall entitle the holder thereof to one vote, and if it shall happen that any vacancies occur, in any manner, such vacancy may be filled by the remaining directors, or a majority of them at any meeting of the board of directors, until the time when the persons elected at the next election for directors, shall take their offices by virtue of such election, and nothing herein contained shall be construed to prevent the re-election of directors; and that J. Hunt Adams, Frederick Reynolds, Louis Greiner, John H. G. Hawes, Reuben D. Baldwin, James E. Goll, David Ayres, Isadore Lehman and William Bellamy, shall be the first directors; and they and the survivor or survivors of them shall remain such directors until others are chosen according to this act.

Election of directors.

5. *And be it enacted*, That the funds of the company shall be invested in such manner as the directors may deem most expedient for the interests of the company, and dividends of profits may be declared by them, and made payable in such manner as the by-laws shall direct, and the stock and bonds of said corporation shall be deemed personal estate and transferable in such manner as shall be prescribed in the by-laws.

Dividends.

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 such cause be deemed to be dissolved, but it shall and may be lawful to hold such elections on such other days as shall be directed by the said company, upon giving the notice required in the by-laws for the election of directors.

Not dissolved by failure to elect.

7. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of account, in which

Keep books of account.

shall be 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 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 heretofore provided.

8. *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 directors for that purpose.

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

Approved, March 20, 1867.

CHAPTER CLXXV.

A supplement to an act entitled "An act to establish a Police District in the county of Hudson, and to provide for the government thereof," approved March twenty-third, eighteen hundred and sixty-six.

Powers of
police.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the commissioners of police and the several members of the police force of the Hudson River Police District of the state of New Jersey, shall have power and authority immediately and without process, to arrest and take into custody any person who shall commit or threaten, or attempt to commit in the presence of such commissioner or member of the police force, or within his view, any breach of the peace or offence directly prohibited by act of the legislature, or by any ordinance of the city of Jersey City, but such commissioner or member of the police force shall forthwith after such arrest convey in person such offender before any magistrate that he may be dealt with according to law.

Compensation.

2. *And be it enacted*, That on and after the first day of May, eighteen hundred and sixty-seven, the annual compensation for services rendered under the provisions of this act and the act to which this is a supplement, shall be to each patrolman one thousand dollars, to each aid of the chief of police, and each detective police officer, twelve hundred

dollars, and to the chief of police eighteen hundred dollars.

3. *And be it enacted*, That for the purpose of enabling the commissioners to provide for the proper uniforming of the men belonging to the department of police, they may draw on the treasurer of Jersey City by checks in such amounts as may be necessary, stating upon the face of the check the specified purpose for which such check was drawn; and the treasurer shall pay the same out of any moneys that may be in his hands; the commissioners shall debit each policeman to whom a uniform is furnished with the cost of the same, and cause the same amount to be deducted from his salary, within three months from the date of furnishing the said uniform, and the amount so drawn shall be returned by the commissioners to the treasurer within three months from the date of such check.

4. *And be it enacted*, That all checks drawn in conformity with the provisions of the sixteenth section of the act to which this is a supplement, shall be countersigned by the comptroller of the city of Jersey City, on presentation to him by the clerk of the board.

5. *And be it enacted*, That the governor of this state shall, before proceeding to remove any one of the commissioners of police from office cause to be furnished in writing to the said commissioner, a statement of the causes for the contemplated removal, and shall appoint a time and place when and where such commissioner may appear either in person or by counsel, and submit evidence in his own behalf. Proceed-
ings in case
of removal.

6. *And be it enacted*, That on or before the first day of December, in each and every year, the commissioners of police shall submit in writing to the governor of this state, a report of their proceedings during the preceding year. Report to
the gover-
nor.

7. *And be it enacted*, That hereafter the chief of police in said district shall at all times be under the control of the commissioners and subject to removal from office for improper conduct in the same manner as patrolmen now are.

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

Approved March 20, 1867.

CHAPTER CLXXVI.

A further supplement to the act entitled "An act to establish Public Schools."

Requires
two-thirds
instead of a
majority at
meetings of
school dis-
trict.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any meeting hereafter to be called of the taxable inhabitants of "North Belleville school district of the township of Belleville, in the county of Essex, and state of New Jersey," in pursuance of the provisions of the eleventh section of the supplement to the act entitled "An act to establish Public Schools," which supplement was approved March fourteenth, one thousand eight hundred and fifty-one, the said inhabitants shall have power by the consent of a majority of those present at such meeting, to authorize the trustees of said district to do and perform all and every of the acts and things which they are now authorized by law to do and perform, only by the consent of two-thirds of those present at such meeting.

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

Approved March 20, 1867.

CHAPTER CLXXVII.

An act to incorporate The New Jersey Sugar Refining Company.

Corporators

Name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Conrad Poppenhausen, Frederick König, Michael Lienau, Henry R. Kunhardt, Herman Stursberg, Johannes Lienau and such other persons as may be hereafter associated with them, shall be and they are hereby made, constituted and declared a corporation and body politic in fact and in law, by the name of "The New Jersey Sugar Refining Company," for the purpose of manufacturing, refining, selling and disposing of all kinds of sugar, molasses and syrups, and for the transaction of any

other business properly connected therewith, and by such name may purchase, hold and enjoy all such lands, tenements and hereditaments, and all such engines, machinery and personal property as may be necessary or proper for conducting said business, and the same to sell, convey, mortgage, lease, or otherwise dispose of at pleasure. May hold lands.

2. *And be it enacted*, That the capital stock of said company shall be four hundred thousand dollars, to be divided into shares of one thousand dollars each; said capital stock shall be deemed personal property and transferable on the books of the company in accordance with the by-laws of said company. Capital stock.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places, and upon such notice as they shall direct; and at the time of subscribing for said stock, such amount of each share shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall determine, and the residue of the subscription shall be paid, satisfied or secured, as the directors may determine, in such instalments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time direct, giving notice of such time and place and person or persons in a newspaper printed and circulating in the county of Hudson, for two weeks, at least once in each week, and upon the failure of any person to pay, satisfy, or secure the payment of the instalments or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company, and any shares of stock so forfeited as aforesaid, may be held by the said company, or any person or persons for its benefits, and may at any time be sold or disposed of for the benefit of the company as the directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed. Commissioners to receive subscriptions.

4. *And be it enacted*, That whenever one hundred thousand dollars of the capital stock aforesaid, shall have been subscribed, the commissioners, or a majority of them, shall as soon as they deem expedient, give notice in such a manner as Election of directors.

they may determine, of a meeting of the stockholders at such time and place as they may designate, to choose seven directors, who shall hold their office for one year, and until others are duly elected, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose either in person or by proxy.

5. *And be it enacted*, That the business of the said company shall be managed by seven directors, all of whom shall be stockholders, and one of whom shall be president, and the persons named in the first section of this act shall be the first directors and shall hold their offices for one year, and until others are elected in their stead, and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election for directors shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own, and if a vacancy shall occur in such board of directors by death, resignation or otherwise, the remaining directors may fill such vacancy by the appointment of any stockholder.

6. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require, and their principal office shall be in the county of Hudson.

Not
dissolved
for failure
to elect.

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

May be dis-
solved by
three-
fourths of
stock-
holders.

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

plus among the stockholders in proportion to their respective interests in the stock.

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

Approved March 20, 1867.

CHAPTER CLXXVIII.

A further supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Jersey City north of the center of Pavonia avenue, in the fifth ward of said city, shall hereafter be known as the seventh ward of Jersey City, the same commencing in the middle of the Hudson river and running west to the westerly boundary of Jersey City. Seventh ward.

2. *And be it enacted*, That the inhabitants of this ward by this act created shall be vested and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Jersey City are or may be entitled or subjected.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted on the second Tuesday in April next, and on the second Tuesday in April in every year thereafter, and at such place as the board of registry shall appoint, of which the board of registry shall cause public notice to be given and published in like manner and for the same length of time as is required for the common council of said city of Jersey City to give by the act to which this act is a supplement; at which election three aldermen, one assessor, one chosen freeholder, one commissioner of appeals, and as many constables in said ward as the said ward shall be entitled to elect, who shall hold their offices respectively for the times designated for each by the act to which this act is a supplement, and the several supplements thereto, except the term of office of the aldermen, Election therein.

which is hereinafter provided for, shall be chosen in the said ward hereby created from and among the citizens residing therein and entitled to vote at such elections, and the common council shall appoint three inspectors of registry in the said ward hereby created before the fifteenth day of March next, under whose directions the first election in the said ward to be held on the second Tuesday of April next, for the election of city and ward officers, shall be conducted, and the common council of said city shall procure a ballot box for said ward, and the term of office of such officers as shall be elected under this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term.

Alderman.

4. *And be it enacted*, That the aldermen to be elected from the said ward under and by virtue of this act, shall at their first meeting in the common council after their election divide themselves by lot into three classes, the first of which shall go out of office at the expiration of the first year, the second of which shall go out of office at the expiration of the second year, and the third of which shall go out of office at the expiration of the third year; and at the charter election to be held on the second Tuesday of April, eighteen hundred and sixty-eight, and annually thereafter, the said seventh ward shall elect one alderman who shall hold his office for the term of three years.

Justices of the peace.

5. *And be it enacted*, That the justices of the peace elected for the said fifth ward shall continue in office until the expiration of their terms of office, and in the enumeration shall be considered as justices of the fifth ward, and said fifth ward shall be entitled to elect at all elections for justices of the peace hereafter to be held, as many justices of the peace as said ward shall be entitled to under the census of eighteen hundred and sixty, and at the election to be held on the second Tuesday of April next, said ward hereby created shall elect two justices of the peace and no more until after the taking of the next census, and for such election the ward hereby created shall be considered as a township.

Commissioners of deeds.

6. *And be it enacted*, That the commissioners to take the proof and acknowledgment of deeds, appointed and commissioned for said fifth ward, shall continue in office until the expiration of their terms of office, and the commissioners residing in the fifth ward shall be commissioners for said ward and those residing in the ward hereby created shall be com-

missioners for said seventh ward, and at the first joint meeting held after the passage of this act, or any subsequent joint meeting, the full number of commissioners that each of said wards are respectively entitled to may be appointed and commissioned for said fifth and seventh wards respectively.

7. *And be it enacted*, That the present aldermen elected for the said fifth ward shall continue in office until the expiration of their terms.

8. *And be it enacted*, That an election shall be held in the ward hereby created, on the Tuesday next after the first Monday in November next, and annually thereafter, for member of the general assembly, and other officers to be chosen at said election, which said election shall be conducted in the manner prescribed in the act to which this is a supplement for the other wards of the city of Jersey City.

9. *And be it enacted*, That the said seventh ward hereby created shall constitute a part of the same assembly district in which the territory hereby created into a new ward has been heretofore included, being the third assembly district of the county of Hudson, until the state shall be again redistricted. Belongs to
third as-
sembly dis-
trict.

10. *And be it enacted*, That the commissioner of assessment to be appointed from the fourth or fifth wards, under the twelfth section of the supplement to the city charter, approved March twenty-fourth, eighteen hundred and sixty-two, may be appointed hereafter from the fourth, fifth, or seventh wards.

11. *And be it enacted*, that all advertising, notices and proceedings of the common council now required by the charter to be printed and published in one newspaper in said city, shall hereafter be printed and published in the two newspapers now printed and published in said Jersey City.

12. *And be it enacted*, That this act shall take effect immediately; and that the common council of Jersey City shall make all the provisions necessary to carry this act into effect, and all acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Approved March 21, 1867.

CHAPTER CLXXIX.

An act to establish a system of Public Instruction.

ARTICLE I.

STATE BOARD OF EDUCATION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the general supervision and control of public instruction in the state of New Jersey shall be vested in a state board of education, which board shall consist of the trustees of the school fund, the trustees of the State Normal School, appointed as hereafter provided, together with the treasurer thereof.

2. *And be it enacted*, That the state board of education shall have power, and it shall be their duty:

I. To frame and modify at pleasure such by-laws as may be deemed expedient for their own government, not inconsistent with the provisions of this act, and to prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the school laws of this state;

II. To consider the necessities of the public schools, and recommend to the legislature from time to time such additions and amendments to the laws as are deemed necessary for perfecting the school system of the state;

III. To appoint the state superintendent of public instruction;

IV. To appoint the county superintendents of the several counties of the state, subject to the approval of the board of chosen freeholders of the several counties at their first meeting after the appointments by the state board, but in all cases where no action is taken by any board of chosen freeholders approving or disapproving, then the appointments made by the state board shall be valid without such approval.

V. To prescribe all rules and regulations for holding teachers' institutes;

VI. To order all necessary repairs to the grounds, buildings and furniture of the State Normal School, and to keep said buildings and furniture insured, and the comptroller

State board of education, and how composed.

Powers.

Frame by-laws, and enforce rules and regulations.

Perfect school system.

Appoint state superintendent.

Appoint county superintendent.

Rules for teachers' institutes.

Keep state normal school in repair.

shall draw warrants for the payment of the same, upon the certificate of the president of said board;

VII. To authorize the payment by the state treasurer upon the warrant of the state comptroller of all the necessary incidental expenses incurred by the state superintendent in the performance of his official duties; Pay incidental expenses of superintendent.

VIII. To decide all appeals from the decision of the state superintendent of public instruction. To decide all appeals.

3. *And be it enacted*, That the members of the board shall receive no compensation for their services, but the state treasurer shall pay the necessary expenses of the said members upon the warrant of the state comptroller. No compensation.

4. *And be it enacted*, That the board shall report annually to the legislature in regard to all matters committed to their care. Annual report.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

5. *And be it enacted*, That the state superintendent of public instruction shall be elected by the state board of education by ballot, and shall hold office during the pleasure of the board, not to exceed the term of three years, receiving annually a salary of two thousand dollars; *provided*, that nothing herein contained shall prevent his re-election. State superintendent to hold office during pleasure of the board. Salary.

6. *And be it enacted*, That he shall be required to have his office in the state house in Trenton. Office at state house.

7. *And be it enacted*, That it shall be his duty to carry out the instructions of the board, and to enforce all rules and regulations prescribed by them. Duties.

8. *And be it enacted*, That he shall be ex-officio secretary of the board of education, president of the state association of school superintendents, and a member of the state board of examiners, and of all county and city boards of examiners.

9. *And be it enacted*, That he shall have the supervision of all the schools of the state receiving any part of the state appropriation, and shall be the general adviser and assistant of the county superintendents; he shall from time to time, as he shall deem for the interest of the schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers. Has supervision of schools, and is adviser of county superintendents.

Under di-
rection of
trustees
apportions
the state
school mon-
eys to
counties.

10. *And be it enacted*, That the state superintendent, under the direction of the trustees of the school fund, shall apportion to the several counties the state school moneys to which each may be entitled, which apportionment shall be made in the ratio of the number of children between the ages of five and eighteen in the said counties, as ascertained by the last annual report of the state superintendent; he shall furnish to the state comptroller, and to the county superintendent, and the county collector of each county, an abstract of such apportionment, and shall draw his order on the state comptroller for the amount to which each county is entitled, in favor of the county collector of said county.

Power to
with-hold
state appro-
priation.

11. *And be it enacted*, That he shall have power, and it shall be his duty to direct and cause the county superintendent of any county, or any board of trustees or other school officers, to withhold from any officer or district, or teacher, that part of the state appropriation derived from the revenue of the state, until such officer, district or teacher shall have complied with the provisions of this act and its supplements, relating to his, its, or their duties, and with all the rules and regulations made in pursuance thereof by the state board of education; he shall forbid the payment of said part of the state appropriation to any district in which the school or schools have not been kept according to law, or in which a public school has not been kept for at least five months, during the year next preceding the demand for payment.

Duty to pre-
pare forms.

12. *And be it enacted*, That he shall prepare and cause to be printed suitable forms for making all reports and conducting all necessary proceedings under the school laws of this state, and shall transmit them to the local school officers and teachers; he shall cause all school laws to be printed in pamphlet form, and shall annex thereto forms for making reports and conducting school business.

Decide all
disputes
subject to
appeal.

13. *And be it enacted*, That he shall decide, subject to appeal to the state board of education, and without cost to the parties, all controversies or disputes that may arise under the school laws of the state or under the rules and regulations prescribed by the state board of education, the facts of which controversies or disputes shall be made known to him by written statements by the parties thereto, verified by oath or affirmation, if required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute; and his decision shall

be binding until a different decision shall be given by the state board of education.

14. *And be it enacted*, That he shall preserve in his office such school books, apparatus, maps, charts, works on education, plans for school buildings, and other articles of interest to school officers or teachers, as may be procured without expense to the state.

15. *And be it enacted*, That he shall file all school reports of this state and of other states which may be sent to his office, and shall keep a record of all the acts connected with his official duties, and preserve copies of all the decisions given by him. File all reports, and keep a record.

16. *And be it enacted*, That he shall provide a seal with suitable device for use in his office, by which all his official acts and decisions may be authenticated. Seal.

17. *And be it enacted*, That he shall report to the state board of education, at its annual meeting in December of each year, a statement of the condition of the public schools, and of all the educational institutions receiving support from the state, which report shall contain full statistical tables of all items connected with the cause of education that may be of interest to the school officers or people of the state, together with such plans and suggestions for the improvement of the schools and the advancement of public instruction in the state as he shall deem expedient. Report to be made.

18. *And be it enacted*, That he shall, at the expiration of his term of office, deliver to his successor his official seal, together with all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. Duty at expiration of his term.

ARTICLE III.

COUNTY SUPERINTENDENTS.

19. *And be it enacted*, That the state board of education shall appoint for each county one person as provided in the fourth provision of section two, of suitable attainments, as the county superintendent of public schools for that county, who shall hold office during the pleasure of the board, not to exceed the term of three years; *provided*, that nothing herein contained shall prevent his re-appointment. County superintendent, his term of office.

20. *And be it enacted*, That the yearly salary of the county superintendent shall be at the rate of ten cents for each child in the county between the ages of five and eigh- Salary.

Proviso.

Proviso.

teen, as ascertained from the last annual report of the state superintendent, which salary shall be paid by the county collector, on the warrant of the state superintendent; *Provided*, that the salary shall in no case be less than five hundred dollars, nor more than twelve hundred dollars; *and provided*, that in case any city shall have a city superintendent of schools, who is not also the county superintendent, the children belonging to such city shall not be counted in determining the salary of the county superintendent, and the supervision of the schools of said city, which would otherwise belong to the county superintendent, shall devolve upon the city superintendent.

Apportion school moneys to township.

21. *And be it enacted*, That the county superintendent shall apportion annually among the several townships of his county, and to the city or cities therein, not included in said townships under the direction of the board of chosen freeholders, the school moneys belonging to said county, in the ratio of the number of children between the ages of five and eighteen, as ascertained by the last preceding annual report of the state superintendent of public instruction.

Also state and township appropriation.

22. *And be it enacted*, That he shall further apportion among the several school districts of each township the state appropriation to which they are entitled, together with the township appropriation, in the ratio of the number of children between the ages of five and eighteen, as reported by the district clerk.

Issue orders on county collector in favor of township collector.

23. *And be it enacted*, That he shall issue orders on the county collector in favor of each township collector and of each city treasurer for that portion of the state appropriation to which said township or city is entitled; and shall file with each township collector and the clerk of each school district in any township a copy of the apportionment of the township school funds made by him for said township within twenty days after making said apportionment.

Duties.

24. *And be it enacted*, That he shall examine and license teachers, fix the boundaries of school districts, divide and unite districts, form new districts, provide for graded schools, and discharge other duties of general supervision and superintendence over the public schools of the county in accordance with the regulations prescribed from time to time by the state board of education.

Duties.

25. *And be it enacted*, That he shall have power, and it shall be his duty, to appoint trustees for any district which for any cause fails to elect at the regular time; to appoint

trustees to fill vacancies; to appoint the first trustees for any new district; *provided however*, that when a new district is organized, such of the trustees of the old district as reside within the limits of the new one shall be trustees of the new one, and the vacancy in the old district shall be filled by his appointment. Proviso.

26. *And be it enacted*, That he shall have power to withhold that part of the state appropriation derived from the revenue of the state from any district in which the inhabitants fail to provide a suitable school building and outhouses, or in which the existing buildings shall be pronounced by him and a majority of the trustees unfit for use; and for that purpose he may serve a notice on the township collector to withhold the payment of the same from such district. Power to withhold state appropriation.

27. *And be it enacted*, That it shall be the duty of the county superintendent, at such time and place as the state superintendent may appoint, to examine such candidates for state scholarships at the agricultural college, as may present themselves, and the candidates shall be subjected to such examination as the faculty of the said college and the state superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the agricultural college in any one county, shall be those who obtain on such examination the highest average for scholarship; and the number of certificates thus granted, shall in no case exceed the number of state scholarships to which such county is entitled. Examine candidates for state scholarships at agricultural college.

28. *And be it enacted*, That in all controversies arising under the school law the opinion and advice of the county superintendent shall first be sought, and from him appeal may be made, if necessary, to the state superintendent of public instruction. Action in controversies.

29. *And be it enacted*, That the county and city superintendents shall together constitute an association, to be called "The State Association of School Superintendents," which association shall meet at such times and places as the state board of education may appoint, and at such other times as they may agree upon. State association of school superintendents.

30. *And be it enacted*, That each county superintendent and each city superintendent, on or before the first of October of each year, shall make an annual report to the state superintendent in the manner and form prescribed by him. Annual report.

ARTICLE IV.

SCHOOL TRUSTEES.

School
trustees.

31. *And be it enacted*, That an annual meeting for the election of school trustees shall be held in each district on the first Monday in September of each year, at the district school house, if there be one, and if there be none, at a place to be designated by the district clerk, who shall post notices thereof, specifying the day, time, object, and place of such meeting, in at least three public places in the district, one of which shall be at the school house, if there be one, at least five days previous to the time of meeting; the voters shall be legal voters of the district, and a plurality of votes shall elect; and no person shall be eligible to the office of trustee, unless he is a resident in the district.

How elected

32. *And be it enacted*, That in all districts in which elections have been previously held, one trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number shall be elected to fill them for the unexpired terms.

33. *And be it enacted*, That in new districts acting under trustees appointed by the county superintendent, three trustees shall be elected, for one, two and three years, respectively; the term of office of any trustee which would otherwise expire in April of any year, shall expire on the first Monday in September of the same year.

District
clerk.

34. *And be it enacted*, That each board of trustees shall, within ten days after the annual election, meet at the school house, or at some other convenient place, and proceed to elect one of their number clerk of the board, who shall be known and referred to as "district clerk"; and on their failure to do so, the county superintendent shall appoint said clerk.

Duties of
district
clerk.

35. *And be it enacted*, That he shall record, in a suitable book, all proceedings of the board, and of the annual school meetings, and of special school meetings; and pay out, by orders on the township collectors, in the manner prescribed by law, all school moneys of the district, whether received from the state, township or district; he shall keep a correct and detailed account of all expenditures of school moneys in his district, and report the same to the county superintendent, and also to the township committee; at each an-

nual school meeting he shall present his record book and his accounts for public inspection, and shall make a statement of the financial condition of the district and of the action of the trustees.

36. *And be it enacted*, That he shall take annually in the month of August between the first and twentieth day of said month, an exact census of all children residing in the district between the ages of five and eighteen, not including the children who may be inmates of poor houses, asylums or alms houses, and shall specify the names and ages of such children and the names of their parents or guardians; (all children who may be absent from home, attending colleges, boarding-schools, and private seminaries of learning, shall be included in the census list of the city, town or district in which their parents or guardians reside, and not be taken by the district clerk of the city, town or district where they may be attending such institutions of learning); and that he shall make a full report thereof, verified by him under oath or affirmation, that the same is correct and true, on the blanks furnished for that purpose, to the county superintendent, on or before the first day of September next after his appointment, and keep a copy of the same for the use of the school trustees, and shall receive for his services such compensation as the board of trustees may allow.

Census to be taken of children in each district.

Report the same to county superintendent.

37. *And be it enacted*, That he shall keep the school buildings in repair; he shall provide the necessary fuel, and obtain for the schools such supplies of crayons for blackboards, for the use of the pupils, as are necessary in carrying out the course of study prescribed therein: which repairs and supplies shall be paid for out of the moneys raised by the district.

Keep buildings in repair, &c.

38. *And be it enacted*, That every school district shall be known by the name and number assigned to it by the county superintendent, in accordance with the general regulations of the state board of education, and the trustees thereof shall be a body corporate, to be called and known by the name of "The Trustees of School District Number—, in the county of ———," and shall be capable of suing and being sued, in all courts and places whatever, and of purchasing, holding and conveying real and personal property for the use and benefit of the schools of such district, and may have a corporate seal.

School district how known.

39. *And be it enacted*, That the board of trustees of any school district shall have power, and it shall be their duty:

Duties of
board of
trustees.

I. To employ and dismiss teachers, janitors, mechanics, and laborers, and to fix, alter, allow, and order paid their salaries and compensations;

II. To make and enforce rules and regulations, not in conflict with the general regulations of the state board of education, for the government of schools, pupils and teachers;

III. To erect school buildings and purchase, lease, or sell school lots, as they may be directed by a two-third vote of the district;

IV. To rent, furnish and repair school buildings, and keep the same insured;

V. To purchase personal property, and to receive, lease, and hold in fee, in trust for their district, any and all real or personal property, for the benefit of the schools thereof;

VI. To enforce the regulations prescribed by the state board of education; and in connection with the county superintendent to prescribe the course of study to be pursued, and a uniform series of text books to be used in the school or schools under their charge;

VII. To suspend or expel pupils from school;

VIII. To provide books for indigent children;

IX. To require all pupils to be furnished with suitable books, as a condition of membership in the school;

X. To require every teacher to keep a state school register;

XI. To call a special meeting of the legal voters of the district, at any time when, in the judgment of said trustees, the interests of the school may require it; which meeting shall be called in the manner provided in section eighty of this act, for calling the annual district meeting, and no business shall be transacted at said special meeting, except such as has been set forth in the notices by which said meeting was called;

XII. To permit a school house to be used for other than school purposes, when a majority of the trustees present shall so agree, at a meeting regularly called for that purpose;

XIII. To make an annual report, on or before the first of September, to the county superintendent, in the manner and form prescribed by the state superintendent of public instruction.

Shall constitute the township board of trustees.

40. *And be it enacted*, That the district trustees of each township shall together constitute an association, to be called "The Township Board of Trustees;" said board shall

meet at such times and places as the county superintendent may appoint, for the purpose of hearing from him communications and suggestions in regard to the management of the schools, and of submitting to him questions for advice or opinion relating to the same.

ARTICLE V.

TEACHERS.

41. *And be it enacted*, That every teacher of a public school shall keep a school register in the manner provided therefor, and no salary shall be paid to such teacher until said register is exhibited to the district clerk or other officer authorized to make payment, and until said officer finds by examination, that the register has been properly kept for the time for which salary is demanded, and enters upon the register a certificate to that effect. Duties of teachers.

42. *And be it enacted*, That every teacher who shall leave a school before the close of the school year, shall at the time of leaving, make to the county superintendent a report of the school for all that portion of the current school year that the school has been in his or her charge, and shall at the same time give a duplicate of said report, and surrender the school register to the district clerk, and any teacher who may be teaching any school at the close of the school year, shall in his or her annual report, include all the statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year; no school money shall be paid to any teacher for the last month of his or her services, until the report herein required shall have been made and received, and the register exhibited; *Provided*, that in graded schools in which there are more teachers than one, the principal teacher alone shall be responsible for the school report and register. Keep a register.

43. *And be it enacted*, That no teacher shall be entitled to any salary unless such teacher shall be the holder of a proper teacher's certificate, in full force and effect. No salary without teacher's certificate.

44. *And be it enacted*, That in every contract, whether written or verbal, between any teacher and board of trustees, a school month shall be construed and taken to be twenty school days; or four weeks of five school days each, and no teacher shall be required to teach school on Christmas day, the first day of January, the fourth day of July, and such days of fasting or thanksgiving as may be appointed by the School months.

president of the United States, or the governor of this state; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section; any contract made in violation of this section shall have no force or effect as against the teacher.

Suspension
of scholars.

45. *And be it enacted*, That every teacher shall have power to hold every pupil accountable, in school, for any disorderly conduct on the way to or from school, or on the play grounds of the school, or during recess, and to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the county superintendent, whose decision shall be final.

Rights of
appeal in
case of dis-
missal.

46. *And be it enacted*, That in case of the dismissal of any teacher before the expiration of any contract entered into between such teacher and trustees, the teacher shall have the right of appeal to the county superintendent, and if the county superintendent shall decide that the removal was made without good cause, said teacher shall be entitled to compensation for the full time for which the contract was made; but it shall be optional with the trustees whether he or she shall or shall not teach for the unexpired term.

ARTICLE VI.

PUPILS.

Duties of
pupils.

47. *And be it enacted*, That the pupils of the public school shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the course of study, and use the series of text books prescribed by the trustees and county superintendent, and shall submit to the authority of the teachers; continued and wilful disobedience, or open defiance of the authority of the teacher, the use of habitual profanity or obscene language, shall constitute good cause for suspension or expulsion from school; any pupil who shall in any way cut, deface, or otherwise injure any school house, fences or out-buildings thereof, shall be liable to suspension and punishment, and the parents of such pupil shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the trustees and collected by the district clerk, by

an action in debt therefor, in any court having jurisdiction, in his name as district clerk, together with the costs of said action.

ARTICLE VII.

BOARDS OF EXAMINERS.

48. *And be it enacted*, That there shall be a state board of examiners, consisting of the state superintendent of public instruction and the principal of the state Normal School; they shall have power, and it shall be their duty to hold examinations of teachers, and to grant state certificates or revoke the same, under such rules and regulations as the state board of education may prescribe, and a certificate thus granted shall entitle the holder, without further examination, to teach in any part of the state, so long as the certificate remains valid by the terms thereof, and in any school not of a higher grade than that for which the certificate represents him as qualified. State board of examiners.

49. *And be it enacted*, That there shall be in each county a county board of examiners, which shall be composed of the county superintendent, who shall, *ex-officio*, be chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the time of their respective appointments; but no person shall be appointed as county examiner unless he holds either a state or a first grade county certificate; the county superintendent shall fill vacancies that occur from absence or other causes, but if he cannot find any teacher in his county qualified under the provisions of this section willing to serve; he shall conduct the examination himself; the board shall meet at such times and places as may be designated by the chairman, and shall hold a session at least as often as once in every three months, and at the place and during the session of any teacher's institute held in the county; each member of the board, except the county superintendent, shall be paid for his services, in addition to his traveling expenses, a sum not exceeding three dollars for each session of said board, to be paid by the county collector on the order of the county superintendent; *provided*, that this compensation shall be paid only for the regular quarterly examinations; and that whenever said board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations, said board County board of examiners.

may charge each applicant an examination fee not exceeding two dollars; the county board of examiners shall have power to conduct examinations and to grant certificates of different grades, in accordance with the general regulations on the subject prescribed by the state board of education, and the highest grade of certificate thus granted shall entitle the holder, without further examination, to teach in any part of the state so long as this certificate remains valid, and in any school not of a higher grade than that for which the certificate represents the holder as qualified; any county certificate lower than the highest grade will only entitle the holder to teach a school of a corresponding grade in the county for which such certificate was granted.

City board
of examiners.

50. *And be it enacted*, That in every city having a board of education governed by special laws, there shall be a city board of examiners to consist of such members as said board of education of that city may appoint; said examiners shall have power, subject to such rules and regulations as may be prescribed by the city board of education, to grant certificates of qualification, which shall be valid for all schools of that city; and no teacher shall be employed in any of the schools of that city unless possessing such certificate, or a state certificate, nor in any school of a higher grade than that for which said certificate represents the holder to be qualified; any city board of examiners may recognize the certificates of any other city, and without examination issue to the holders certificates of a corresponding grade.

ARTICLE VIII—SCHOOLS.

STATE NORMAL SCHOOL.

State normal school.

Object.

Board of trustees.

51. *And be it enacted*, That there shall be a normal school, or seminary, for the training and education of teachers in the art of instructing and governing the common schools of this state, the object of which normal school or seminary shall be the training and education of its pupils in such branches of knowledge, and such methods of teaching and governing as will qualify them for teachers of our common schools.

52. *And be it enacted*, That there shall be a board of trustees of said normal school, to consist of two trustees from each congressional district; the trustees already appointed shall continue in office severally for the terms for which they have been appointed, namely, five whose terms expire in

eighteen hundred and sixty-eight, and five whose terms expire in eighteen hundred and sixty-nine, and annually thereafter, in the place of those whose terms are about to expire, the governor shall nominate, and by and with the advice and consent of the Senate, shall appoint one trustee of said school from each congressional district, to hold office severally for the term of two years and until their successors are appointed, so that there shall always be two trustees from each congressional district, and in case of any vacancy by death, resignation or otherwise, a successor for the unexpired term, shall in like manner be appointed; the state superintendent of public instruction shall be ex-officio a member of said board of trustees.

How ap-
pointed.

53. *And be it enacted*, That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be defrayed out of the funds hereinafter appropriated for the support of said school.

No compen-
sation.

54. *And be it enacted*, That to the said board of trustees shall be committed the control and use of the buildings and grounds owned and used by the state for the use of the Normal School, the application of the funds for the support thereof, the appointment of teachers and the power of removing the same, the power to prescribe the studies and exercises of the school, and rules for its management, to grant diplomas, to appoint some suitable person treasurer of the board, and to frame and modify, at pleasure, such by-laws as they may deem necessary for their own government; and they shall report annually to the legislature their own doings and the progress and condition of the school.

Duties of
the board of
trustees.

55. *And be it enacted*, That the number of pupils shall not exceed three for each member of the senate and general assembly, and each county shall be entitled to fill three times as many seats in the school as it [has] representatives in the legislature; the applicants shall give on admission a written declaration, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of public school teachers, and that it is their intention to engage in that employment in this state for at least two years.

Pupils how
selected
and their
object.

56. *And be it enacted*, That at the opening of each term of the Normal School, the principal, with his assistants, shall proceed to examine applicants, and to admit to the school such as appear to be possessed of the proper quali-

fication to the number to which each county may be entitled.

57. *And be it enacted*, That in case any county is not fully represented, additional candidates may be admitted from other counties on sustaining the requisite examination.

Power to
appoint
teachers &c

58. *And be it enacted*, That the board of trustees shall appoint and procure the number of teachers which may be necessary to carry out, in the best and highest sense, the purposes and designs of this act, and shall furnish for the use of the pupils the necessary apparatus and text books, so far as the funds hereafter to be named and appropriated for the support of the school will allow; and the tuition in the Normal school shall be gratuitous.

Model
schools.

59. *And be it enacted*, That the board of trustees are authorized to maintain a model school under permanent teachers, in which the pupils of the normal school shall have opportunity to observe and practice the modes of instruction and discipline inculcated in the normal school, and in which pupils may be prepared for the normal school.

Appropriation.

60. *And be it enacted*, That for the support of the Normal school and to carry out the purposes and designs of this act, there is appropriated hereby the annual sum of ten thousand dollars, to be paid out of the treasury of the state upon the warrant of the comptroller.

GRADED SCHOOLS.

Graded
schools.

61. *And be it enacted*, That any two or more districts, by a majority vote of the inhabitants at a meeting regularly called or advertised by the county superintendent, or superintendents of the county or counties in which said districts are situated, may cause to be established and maintained a graded school, which shall be entitled, according to the number of children in attendance, to its proper share of the state appropriation, and of the township school taxes belonging to the districts which have caused said graded school to be erected; and a school thus established shall be governed by a joint board, composed of the trustees of the combining districts, and subject to such regulations as they may prescribe.

DISTRICT SCHOOLS.

District
schools.

62. *And be it enacted*, That the inhabitants of every school district shall be required to provide a suitable school

building and outhouses for the accommodation of their children; and in case such buildings are not provided, or those already in use shall be pronounced by the county superintendent and a majority of the trustees of said district, unfit for the purposes for which they are applied, such district shall be deprived of the benefit of that part of the state appropriation derived from the revenues of the state until suitable buildings shall be erected.

63. *And be it enacted*, That no school district shall be entitled to receive any part of the school appropriation which shall not have maintained a public school for at least five months during the then next preceding school year; *provided*, that any new district, or a district in which the school is discontinued on account of the repairing of an old, or the erection of a new school building, shall not be deprived of its full share of the public school funds on account of the restrictions of this section.

Must maintain a district school five months to receive state appropriation.

64. *And be it enacted*, That the school year shall begin on the first day of September, and end on the last day of August.

School year.

ARTICLE IX.

REVENUE.

State Appropriations.

65. *And be it enacted*, That the governor of this state, the president of the senate, the speaker of the house of assembly, the attorney general, the secretary of state, and the comptroller, and their successors in office, be, and they are hereby constituted and appointed trustees of the fund for the support of public schools in this state, arising either from appropriations heretofore made, or which may hereafter be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatsoever, which trustees shall be known by the name, style and title of "the trustees for the support of public schools;" *provided*, that it shall not be lawful for any teacher, trustee, or trustees, to introduce into or have performed in any school receiving its proportion of the public money, any religious service, ceremony or forms whatsoever, except reading the Bible and repeating the Lord's Prayer.

Trustees of the fund for the support of the public schools.

Title.

66. *And be it enacted*, That the public stocks and moneys heretofore appropriated by law, shall constitute the funds

Funds to be held for support of public schools.

in the hands of the trustees appointed by the foregoing section of this act, and shall be held by the said trustees in trust; the interest and dividends arising therefrom to be applied by the said trustees, or a majority of them, for the support of public schools in this state, in the mode now prescribed or hereafter to be prescribed by any act or acts of the legislature, and for no other use or purpose whatsoever.

How invested.

67. *And be it enacted*, That the fund above mentioned, together with all the moneys which shall be received by the treasurer in payment of the principal or interest of the bank or turnpike stock belonging to the fund for the support of free schools, all the taxes which may hereafter be received into the treasury from any of the banking and insurance companies in this state, the capital stock of which now is, or hereafter may be, liable by law to be taxed, all appropriations to said funds, made or to be made by any law of this state, and the amount of all gifts, grants, bequests or devises hereafter made by any person or persons to the said trustees, for the purposes contemplated by this act, shall be invested by the treasurer of this state, under the direction of the said trustees or a majority of them, in the bonds of the United States, or of New Jersey, or in bonds secured by mortgage on land in New Jersey, the interest thereof to be applied to the support of the public schools in the mode which now is, or may hereafter be directed by law, and to no other use or purpose whatsoever; an account of the management of the said fund shall be laid before the legislature, with the annual statement of the treasurer's accounts; and no compensation shall be paid to said trustees or treasurer for any services performed in pursuance of the direction of this act; and all investments of money and property belonging to said fund now held or existing in the name of "The Trustees for the Support of Free Schools" are hereby and shall hereafter be vested in and held, and any proceedings or action whatever relative thereto may be taken, had, made, and maintained by said trustees, in the name of the trustees for the support of public schools.

Annual report.

Treasurer shall furnish statement

68. *And be it enacted*, That the treasurer of this state shall annually make and furnish to the board of trustees for the support of public schools, on the first day of the stated annual meeting of the legislature, and at such other times as the majority of the said trustees shall require the same, a particular statement of the school fund, contain-

ing an account of the securities belonging to said fund, with the dates of investment, their value, and the interest arising from each denomination of securities, together with an account of the moneys in the treasury belonging to said fund.

69. *And be it enacted*, That the secretary of state be and he is hereby constituted and appointed secretary of the said board of trustees, whose duty it shall be to record, in a book to be kept for that purpose, the proceedings of the said board, and the accounts to be furnished by the treasurer as hereinbefore directed.

Secretary of
state, secre-
tary of
board.

70. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state on or before the first Monday of April in every year, to appropriate out of the annual income for the support of the public schools the sum of forty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant, signed by the comptroller upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury aforesaid, shall be replaced by the annual income of said school fund so soon as the same shall be received.

Board must
appropriate
\$40,000 to
public
schools.

71. *And be it enacted*, That from the revenue of the state the sum of sixty thousand dollars per annum shall be appropriated, in addition to the sum of forty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act.

State appro-
priates
\$60,000.

72. *And be it enacted*, That the trustees of the school fund of this state shall have authority to divide the aforesaid sum of one hundred thousand dollars into two or more annual instalments, which shall be paid by the state treasurer to the several county collectors on the warrants of the state comptroller.

Trustees
apportion
the amount.

73. *And be it enacted*, That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, the state superintendent of public schools may draw upon the treasurer of this state for a sum not exceeding one hundred dollars for any one institute, and the said amount may be paid annually thereafter, in like manner, to one teachers' institute in any county, or in any two

Teachers'
institutes.

or more adjoining counties of this state, the same to be paid by the treasurer out of the revenue of the state.

Warrants,
how drawn.

74. *And be it enacted*, That the state comptroller, annually, after having received from the state superintendent of public instruction a statement of the apportionment of the state appropriation among the several counties, shall draw his warrant on the state treasurer in favor of the county collector of any county for the portions to which said county is entitled, whenever such county collector shall present an order for the same, drawn by the state superintendent of public instruction in favor of such county.

County
collector,
receive and
pay out
moneys.

75. *And be it enacted*, That the county collector of each county shall receive and hold in trust that part of the state appropriation belonging to his county, and shall pay out the same to the collectors of the several townships, and to the city treasurer of the cities of his county only on the orders of the county superintendent; *provided*, that in townships where there are less than two hundred children between the ages of five and eighteen, the inhabitants may raise such a sum per child as will be sufficient to maintain their schools.

TOWNSHIP TAX.

Township
tax.

76. *And be it enacted*, That the inhabitants of each township are hereby authorized and required, at their annual town meetings, to raise by tax, in addition to the amount apportioned to their use, such further sums of money as they may deem proper for the support of public schools, said sum not to be less than two, nor more than four dollars for every child in the township, between the ages of five and eighteen, as ascertained by the last annual report of the state superintendent; which said money shall be assessed and collected at the time and in the manner that other township moneys are assessed and collected; if the inhabitants of any township, at their annual town meeting, fail to provide for the raising of such tax, then the county superintendent of the county in which such township is situated, shall be required to withhold from said township that part of the state appropriation derived from the revenue of the state, and to apportion and distribute the same to the other townships of the county.

Interest of
surplus
revenue.

77. *And be it enacted*, That the several townships in this state are authorized and required to appropriate the interest of the surplus revenue received by them, and from

other funds not raised by tax, such sums for the support of the public schools as they shall order and direct at their annual town meetings, in addition to the amount received from the state appropriation and the amount which they raise by tax.

78. *And be it enacted*, That it shall be the duty of the township collector of each township to receive and hold in trust all school moneys belonging to the township or to any of the districts thereof, whether received from the state appropriation, from township or district tax, or from other sources, and to pay out the same only on the orders of the district clerks of the several districts of his township, which order shall specify the object for which it is given, and shall be signed by at least one other trustee beside said clerk, and shall be made payable to the order of, and be endorsed by the person entitled to receive it, and he shall, on the order of the township committee pay over any balance of school funds remaining in his hands, to his successor in office, and he shall procure a suitable book, in which he shall keep a separate account with each school district in his township, crediting each with the amounts apportioned to it by the county superintendent, and the amount raised by tax in the district, and charging each with the orders paid for said district, and he shall present his accounts to be examined and settled by the township committee at the close of the year, a copy of which settlement certified by the committee showing the amounts received, the amounts expended by him for school purposes during the year, (and the balance remaining in his hands,) he shall transmit said copy within ten days to the county superintendent, and another copy of the same he shall file with the clerk of the township, and as compensation for such service the township collector shall be entitled to receive three-fourths of one per centum on all school funds received and paid out by him, for such purposes during the year to be paid by the township committee from the funds of the township.

Township
collector,
receive and
pay out
moneys.

79. *And be it enacted*, That not more than twenty dollars annually of the state or township school moneys received for any school district, shall be used for any other purpose than the payment of teachers' salaries.

DISTRICT SCHOOL TAX.

80. *And be it enacted*, That the legal voters of such district are hereby authorized and required to meet on the Tues-

District
school tax.

day of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, shall be given by the district clerk, and set up in at least three public places within the district, ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of two-thirds of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge, or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as two-thirds of the inhabitants so assembled shall agree to; and in case any money shall be ordered by a vote of two-thirds of said meeting, to be raised by taxation, the district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the county superintendent, which said assessor or assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected at the time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such a vote of a district meeting as aforesaid, on the order of the district clerk of said district, to be used for the purposes directed by the district meeting so held as aforesaid.

Teacher
shall not
inflict cor-
poral pun-
ishment.

81. *And be it enacted*, That no teacher shall be permitted to inflict corporeal punishment upon any child in any school in this state.

Repeal.

82. *And be it enacted*, That all acts and parts of acts heretofore passed of a general character on the subject of public

schools and of the Normal School and its appropriations are hereby repealed.

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

Approved, March 21, 1867.

CHAPTER CLXXX.

An act to prevent frauds by persons employed in the manufacture of Silk, and to punish the criminal possession of silk and other fabrics.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons who shall be hired or employed to prepare or work up any silk or other manufacture, shall purloin, embezzle, secrete, sell or otherwise unlawfully dispose of any of the materials which he, she or they shall be respectively entrusted, whether the same or any part thereof be or be not first manufactured in merchantable wares or be finished or unfinished, he, she or they shall be deemed guilty of a misdemeanor. Offence of
embezzling;
silk, &c.

2. *And be it enacted*, That if any person or persons shall buy, receive, accept or take by way of gift, sale, exchange or in any other manner, of or from any person or persons hired or employed to manufacture, prepare or work up silk or any fabric, of which silk is a component part, any silk or any of the materials of which said fabric is to be composed, whether the said silk or materials shall be in a finished or in an unfinished state, knowing the person or persons of whom he, she or they so buy, receive, accept or take the said silk or materials to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her or them, who shall offer to sell, pawn, pledge, exchange or otherwise dispose of the said materials, or shall buy, receive, accept or take, in any manner whatever, of or from any other person or persons whatever, any of the said silk or other materials, whether finished or unfinished, knowing the same to be purloined or embezzled, then and in every such case the person or persons so buying, receiving, accepting, or taking any such silk or other materials shall be deemed guilty of a misdemeanor. Misdemeanor.

Offence of
receiving,
&c.

Misdemeanor.

Justice of
peace may
issue search
warrant.

3. *And be it enacted*, That any justice of the peace, upon complaint made to him upon oath by any credible person or persons, that there is cause to suspect that any such purloined or embezzled silk or materials, whether mixed or unmixed, wrought or unwrought, finished or unfinished, are concealed in any dwelling house, or other building, yard, garden or other place, may by virtue of a warrant under his hand and seal cause every such dwelling house, or other building, yard, garden or other place, to be searched in the day time, and if any such silk, or other materials, suspected to be purloined or embezzled, shall be found therein, may cause the same and the person or persons in whose house or building, yard, garden or other place, the same shall be found, to be brought before him, or any other justice of the peace for the same county, and if the said person or persons shall not give an account to the satisfaction of said justice before whom he shall be brought, how he, she, or they came by the same, then the said justice shall commit the said person or persons to the common jail of the same county, there to remain until therefrom discharged by the court of oyer and terminer of the same county, unless the said person or persons shall enter into recognizance with sufficient surety, before said justice, conditioned to appear before said court at the then next term thereof, to answer such charges as may be then preferred against him, her or them; and the said person or persons shall be deemed to have received said silk or other materials found in his, her or their possession, knowing the same to have been purloined or embezzled, and shall be deemed guilty of a misdemeanor.

Suspected
persons
may be ap-
prehended.

4. *And be it enacted*, That every justice of the peace, constable, and every watchman during such time only as he is on his duty as watchman, shall and may apprehend, or cause to be apprehended all and every person or persons who may reasonably be suspected of having or carrying, or in any way conveying at any time after sunset or before sunrise, any silk or other materials suspected to be purloined or embezzled, and the same together with such person or persons, as soon as conveniently may be, convey or carry before any justice of the peace of the county within which the suspected person or persons shall be apprehended; and if the person or persons so apprehended in conveying any silk or materials shall not produce the party or parties duly entitled to dispose thereof, from whom he, she or they bought or received the same, or some other credible witness to prove the sale

or delivery of the said silk or materials, or shall not give an account to the satisfaction of such justice how he, she or they came by the same, then the said justice shall commit the said person or persons to the common jail of the same county, there to remain until therefrom discharged by the court of oyer and terminer of the same county, unless the said person or persons shall enter into recognizance with sufficient surety, before said justice conditioned to appear before said court at the then recent term thereof, to answer such charges as may be then preferred against him, her or them; and the said person or persons shall be deemed to have purloined or embezzled the said silk or materials so found in their possession, and shall be deemed to be guilty of a misdemeanor.

5. *And be it enacted*, That all the aforesaid misdemeanors shall be cognizable in and triable by either the court of oyer and terminer or court of general quarter sessions of the peace, and upon the trial of any indictment therefor it shall not be necessary for the state to prove to whom the said silk or other material belonged, but the jury may convict such person or persons of having purloined or embezzled said silk or materials, or other offence under this act, although no proof shall be given to whom such silk or materials belong; and the said court shall upon such conviction adjudge, (in case the true owner of said silk or other materials shall not appear) that the said silk or other materials is forfeited, and make order for the sale of the same at public auction, and after deducting the expenses of keeping and selling the same, the proceeds of said sale shall be divided, one half thereof to the informer (if there be one) and the other half to the collector of the county wherein such indictment may be tried, for the use of the county; and if there shall be no informer the whole shall be paid to said collector; *provided*, that said court shall take such measures by advertising or otherwise, as they deem proper, to ascertain the owner of said silk or materials; *and provided also*, that if said person or persons, on the trial of any such indictment shall prove from whom he, she, or they obtained said silk or material, and that he, she or they became honestly possessed of the same, then the jury shall render a verdict of not guilty, and the property shall be ordered by the court to be restored to such person or persons.

6. *And be it enacted*, That any person or persons convicted of any misdemeanor in this act mentioned, shall be

Aforesaid
misdemeanors,
how tried.

Punish-
ment.

punished by fine not exceeding one thousand dollars, or imprisonment in the penitentiary not exceeding two years, or both, at the discretion of the court.

Must be
tried in the
county
where
offence was
committed.

7. *And be it enacted*, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this act, every such suit or action shall be severally brought and tried in the county where the act was done and not elsewhere, and the defendant or defendants in such action or suit may plead the general issue and give this act and the special matter in evidence on the trial, and that the same was done in pursuance of this act; and if it shall appear to have been so done, or if action or suit is brought in any other county than where the act was done, then the jury shall find for the defendant or defendants, and upon such verdict, or if the plaintiff or plaintiffs shall become non-suit, discontinue, or if on demurrer judgment is given for defendant or defendants, the defendant or defendants shall recover treble costs for which execution shall issue in same manner as for costs in other cases at law.

Approved, March 21, 1867.

CHAPTER CLXXXI.

An act to incorporate "The Hightstown Building and Land Improvement Association of Mercer County."

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That M. F. Mount, Joseph McMurren, Thomas C. Pearce, J. S. Rogers, J. M. Smith, R. A. Outcalt, Enoch Dey, D. V. Fisk, D. P. Hutchinson, Robert Purdy and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate in fact and in name, by the name of "The Hightstown Building and Land Improvement Association of Mercer County."

Name.

Directors.

2. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed by ten directors, all of whom shall be stockholders, and a majority of whom shall be residents of this state, who shall hold their offices respectively for one year, and until others are elected, and that the

said directors shall be chosen on the first Monday in January in every year, at such time of the day and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be given two weeks previous thereto, in such manner as the by-laws may prescribe, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as they shall think fit, and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being shall appoint, and until other directors are chosen from the stockholders, the first directors shall be M. F. Mount, J. M. Smith, Joseph McMurran, T. C. Pearce, R. A. Outcalt, Job S. Rogers, Enoch Dey, D. V. Fisk, D. P. Hutchinson and Robert Purdy.

3. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, with the privilege of increasing it to thirty thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of one hundred dollars on each share so subscribed paid or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively, such instalments, and at such times and in such proportion, as they shall deem proper, not exceeding five dollars on each share at any one time, notice of which shall be given in writing to the stockholders for the space of two weeks before such instalments are required to be paid, and in case of the failure of any stockholder to pay his or her instalment at the time and place appointed for the payment thereof, or within sixty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and the shares of the said capital shall be deemed personal property, and be transferable

Capital
stock.

in such manner as the corporation by their by-laws shall direct.

Not to be dissolved for failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made at the time 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 aforesaid, as shall be prescribed by the by-laws of said corporation.

May hold real estate.

5. *And be it enacted*, That the said corporation is hereby authorized and empowered to construct and erect buildings and public works, and to provide and procure and deal in the materials necessary therefor, and to purchase and hold such real and personal estate as may be necessary or expedient for their purposes, and to mortgage, loan, or sell the same.

6. *And be it enacted*, That the said company may act as agents, and use a common seal in the purchase, sale, or exchange of real estate, effecting insurance, collecting rents, interest, &c.

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

Approved March 21, 1867.

CHAPTER CLXXXII.

An act to incorporate the New Jersey Western Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendyke, Isaac Demarest, Adam Boyd, Aaron G. Garrison, John V. Beam, Charles F. Johnson, Samuel Pope, John Hopper and Daniel Blauvelt, and such other persons as may be hereafter associated with them, shall be and are hereby constituted and declared to be a body politic and corporate in fact and in name, by the name of "The New Jersey Western 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.

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 six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in three 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 four 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 persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such power and functions as the by-laws of the said corporation shall provide.

Not
dissolved
for failure
to elect.

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

Power 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, 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; *provided*, that no such instalment shall exceed twenty-five dollars per share, and that no two instalments shall be required within twenty days of each other.

May con-
struct a
railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from a point at or near Rock Road in Franklin township, in the county of Bergen, in this state, to a point in the county of Passaic, and branch roads to connect with any other railroad or railroads in the county of Bergen, or in the county of Passaic, or in the county of Sussex, at the boundary line between the counties of Sussex and Passaic; *provided*, that neither the said railroads nor any branch thereof shall exceed 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, or any branch thereof, 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.

Proviso.

Surveying
route of
road.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, 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 railroads or its branches, 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 repair of the 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 be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

8. *And be it enacted,* That when the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no 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 the 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 hereafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, residents in this state, commissioners to examine and appraise the said lands and to assess the damages upon such notice not less than twenty days, to be given to the persons interested as shall be directed by the justice making such appointment, and

Proceed-
ings when
company
and owners
cannot
agree.

it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and 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 lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid, and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road through any improved land over which the same may run, which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which said lands lie, to remain of record therein, which report or a copy thereof, certified by the clerk of said court, 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 said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the 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 of the county wherein the said lands or materials may lie.

Proviso.

Parties aggrieved may appeal.

Manner of appeal.

9. *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 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 said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land 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, the 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 said company shall have offered, or the said commissioners 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 Provido whatever shall the said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid the party or parties entitled to receive the same, the amount assessed by the said commissioners, as the value of such lands and damages, in case the report of the commissioners is not appealed from, and in case the report of said commissioners shall be 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 verdict found by the jury in case of an 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

Proviso.

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

Bridges or passages to be erected.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be materially impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad.

Rates of transportation.

11. *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 the said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of 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 at the rate of four cents per mile for carrying each passenger, nor more than eight cents per ton per mile for the transportation of every species of property on said road, in the carriages of said company, but no charge shall be required to be less in the aggregate than ten cents.

Proviso.

May purchase real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate 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 creeks or streams as the

said 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; and may connect said railroad with any other railroad or railroads in said counties of Bergen, Passaic or Sussex, and may cross any other railroad by suitable intersections.

13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad, and pay the same to the stockholders of said company or to their legal representatives, in proportion to the number of shares held by them respectively. Dividends.

14. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make such contracts and engagements with any other corporation, or with individuals for operating said railroads and for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts. May make contracts with other corporations.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad, or any part of said railroad enjoyed under the provisions of this act, or of any of the necessary works, wharves, bridges, carriages or machines of the said corporation, 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 also shall be liable for treble the amount of damages sustained thereby, to be recovered by the said company. Penalty for injury to works.

16. *And be it enacted*, That when three 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.

17. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state; and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement Tax on cost of road and equipment.

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

May borrow
money.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money not exceeding two-thirds of the capital stock of said company, from time to time as shall be necessary to build, construct, or repair said road, furnish 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, privileges, franchises and appurtenances of or belonging to said company or 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.

State may
take road on
payment of
appraisal
ment.

19. *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, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, the remaining three by said 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, or a majority of them, shall report 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 said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement which shall be binding on the said company, or in case the said six commissioners shall be appointed as aforesaid and 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, and thereupon the state shall have the privilege for two years of taking such road, upon payment to the company of the amount of said appraisement within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of the said road and appendages thereof shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of the said road with the appendages thereof.

20. *And be it enacted*, That the said corporation shall maintain a depot near the Wortendyke stone mill, in the village of Godwinville, on the east side of the main road leading from the old Lydecker farm to the city of Paterson, and shall stop at least two trains of cars going each way, at the said depot, for the accommodations of freight and passengers. Limitations
of time.

21. *And be it enacted*, That the governor, chancellor, the justices of the supreme court, the attorney-general, the judges of the court of errors and appeals of this state when traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state shall pass and repass on the railroad of said company in their cars free of charge.

22. *And be it enacted*, That if the said railroad and branches shall not be commenced within two years and completed within six years from the fourth day of July next ensuing, that then and in that case this act shall be void, and this act shall take effect immediately.

Approved, March 21, 1867.

CHAPTER CLXXXIII.

An act to correct an act entitled "a further supplement to an act entitled 'an act to incorporate the Paterson Gas Light Company' passed December ninth, anno domini eighteen hundred and twenty-five," which supplement was approved January twenty-ninth, anno domini eighteen hundred and sixty-seven.

Preamble.

WHEREAS, a mistake occurred in describing the date of the making and issuing of the fifty bonds of one thousand dollars each, and mortgage to secure the same, intended to be legalized by the act entitled "a further supplement to an act entitled 'an act to incorporate the Paterson Gas Light Company,' passed December ninth, anno domini eighteen hundred and twenty-five," which supplement was approved January twenty-ninth, anno domini eighteen hundred and sixty-seven, the same being stated in the preamble of said supplement to have been issued on July first, anno domini eighteen hundred and sixty-five, instead of July first, anno domini eighteen hundred and sixty-six, as the fact was; therefore,

Correction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the date of the making and issuing of said bonds and mortgage, stated in said supplement be, and the same is hereby corrected and changed from the first day of July, anno domini eighteen hundred and sixty-five, to the first day of July, anno domini eighteen hundred and sixty-six, and said supplement shall be so construed as to legalize and apply to the fifty bonds of one thousand dollars each, and the mortgage to secure the same, made and issued on the first day of July, anno domini eighteen hundred and sixty-six, and to no others, as fully as though the date of making and issuing said bonds and mortgage had been described as of the last mentioned date in the said supplement.

2. *And be it enacted*, That this act shall take effect immediately, and so much of the said supplement as is inconsistent herewith, be and the same is hereby repealed.

Approved March 21, 1867.

CHAPTER CLXXXIV.

An act to authorize the Trustees of Olivet and Friendship Methodist Episcopal Churches, in the county of Salem, to sell and convey certain real estate.

WHEREAS, it is represented that the Trustees of Olivet and Friendship Methodist Episcopal Churches, in the county of Salem, in this state are desirous of selling and disposing of the house known as "The parsonage of the Pittsgrove charge," together with the lot of ground on which the same is erected, and certain other lots in Pittstown in said county, owned in common by the congregations worshipping in the said churches, for the benefit and at the request of said churches, respectively; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Garrison, Jacob Hitchner, Frederick Eft, Joseph H. Miller, Joseph Ackley, Jonathan Hogate, Enoch Van Meter, Mark Garton and Jacob Wick, Trustees of said Olivet Methodist Episcopal Church, and Cornelius M. Newkirk, Jephtha Hampton, Clement Newkirk, John L. Robinson, Moses Thomas, junior, Enoch Newkirk, William Beckett, John Dilks and John G. Ayres, Trustees of said Friendship Methodist Episcopal church, be and they are hereby authorized and empowered to sell and convey the said parsonage, and the lot or curtilage on which the same is erected and standing, and the certain other lots in Pittstown aforesaid, and make a deed or deeds when made and duly acknowledged by said trustees, shall be valid and effectual in law, and shall convey to, and vest in the purchaser or purchasers thereof, his, her or their heirs and assigns all the estate, right, title and interest of the said churches, and each of them, of, in and to the said house and lot or lots herein authorized to be sold, at the time of said sale.

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

Approved, March 21, 1867.

CHAPTER CLXXXV.

A further supplement to an act entitled "An act to incorporate the Ogden Mine Railroad Company," approved February nineteenth, eighteen hundred and sixty-four.

Increase of
capital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the Ogden Mine Railroad Company to fulfil and complete the objects of its incorporation, it shall be lawful for said company to increase its capital stock to any amount not exceed eight hundred thousand dollars, and the amount of said increase shall be subscribed for in such manner and upon such terms as to payments, and at such time or times, and at such place or places, as the board of directors of such company may deem expedient and proper.

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

Approved March 21, 1867.

CHAPTER CLXXXVI.

An act to incorporate the Weehawken Docks.

Corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaiah Blood, Gaylord Church, James F. D. Lanier, George W. Steele and John H. Watson, and such other person or persons as may be hereafter associated with them, in the manner hereinafter provided, shall be, and they are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name style and title of the Weehawken Docks, and thereby have perpetuity and power and capacity in law, to sue and be sued, to plead and be impleaded, to have a common seal and also to have, enjoy and exercise all the other rights, powers, franchises and privileges of a corporation.

Name.

Capital
stock.

2. *And be it enacted*, That the amount of the capital stock of said corporation shall be one million dollars, divided into shares of one hundred dollars each, with the right and privi-

leges of increasing the amount thereof by a majority vote of the existing stock, taken after due notice given at any time or times, to be fixed upon by the board of directors after organization, to any sum not exceeding in the aggregate two millions of dollars, divided into shares of like amount, which shares shall be deemed personal property, and be transferable only upon the books of the corporation, in such manner as the directors shall in their by-laws require, and be evidenced by proper certificates therefor, issued under the common seal of the said corporation, and each and every share shall entitle the owner and holder thereof to one vote, either in person or by proxy, at any election or voting by the share or stock holders; *provided*, such owner and holder has been such upon the books of the corporation for at least ten days immediately prior thereto. Proviso.

3. *And be it enacted*, That the said Isaiah Blood, Gaylord Church, Jas. F. D. Lanier, George W. Steele and John H. Watson, shall be, and are hereby constituted commissioners to open books and receive subscriptions to the capital stock of the corporation, at such time or times and place or places as they shall appoint, giving at least ten days' notice thereof in a public newspaper published in the county of Hudson; and said shares of stock shall be paid at such time or times, and upon such notice and in such manner and instalments as said commissioners or the directors of the corporation by their by-laws or otherwise may direct; and such payment may be made either in money, land or other property, as shall be considered by the said commissioners or directors best calculated to secure the speedy advancement and early success of the objects of the corporation, and in case such payment shall be made in land or other property, the value or price thereof shall be determined at the valuation or appraisement to be made by the said commissioners or by the board of directors, and in default of payment of said stock subscribed within thirty days of the time directed or appointed for the payment thereof, the same may be forfeited with all previous payments made thereon to and for the use of said corporation. Commissioners to receive subscriptions.

4. *And be it enacted*, That the affairs of the corporation shall be managed by five directors to be chosen from among the stockholders annually, by a majority vote thereof, at such times and place, and in such manner as provided by the by-laws of the corporation, and who shall serve for one year and until others are chosen, notice of which election of Directors.

directors shall be given for at least ten days, by publication in one newspaper published in the county of Hudson; the directors shall from time to time elect one of their number president and appoint a secretary and treasurer, and such other officers as may be convenient or necessary, and take security for the faithful performance of their respective duties, as shall be provided for by the by-laws, and in case of any vacancy in the board of directors or commissioners, the remaining members may supply the same until the next election.

May acquire land, &c.

5. *And be it enacted*, That the said Isaiah Blood, Gaylord Church, James F. D. Lanier, George W. Steele and John H. Watson, shall be the first directors of the corporation, a majority of whom, duly convened, shall be a quorum, and as soon as convenient after the passage of this act, and the subscription of not less than one thousand shares of the capital stock hereinbefore provided, shall assemble and organize the corporation, and shall continue in office and manage the affairs thereof until others are chosen as hereinbefore provided.

May mortgage such lands, &c.

Proviso.

6. *And be it enacted*, That as soon as the corporation shall be organized, and at least one thousand shares of the capital stock subscribed, it shall be authorized to receive grants and conveyances of any land, water-fronts, bulkheads, docks, piers, warehouses, or other property rights and interests, whether legal or equitable, situate in the said county of Hudson, and also to purchase and hold the same as well as any other rights and interests appurtenant thereto, in fee simple, or less estate; *provided*, the land shall not exceed sixty acres in quantity, and may secure the payment of the liens for purchase money therefor, by mortgage of the whole or any part of the premises so purchased or conveyed and held, and contract for railway facilities to the premises, and may improve, occupy and use the same premises or any part thereof, by erecting thereon docks, piers, bulkheads, and warehouses, and railways, and to sell, lease or otherwise dispose of the same, or any part thereof, for money or other property or interests, and to borrow money, not to exceed in amount two-thirds of the paid up capital, for making such improvements and secure the payment or repayment thereof, as well as interest thereon, by mortgage on the premises in such way and manner, and upon such terms as the corporation shall consider best; and to transport to and from the premises, in any way or manner whatever, goods, wares and merchandise, as well as other kinds of freight and com-

modities; and buy and sell the same, and take consignments of and make advances upon any such or other property, and likewise do whatever else may be lawfully incident to general transportation, warehousing and commission business, with all the rights, powers and privileges, by law appertaining or convenient thereto; *provided further*, that said company shall not by anything in this act contained be construed to be entitled to, or to purchase, any water rights, or any land under water, not heretofore granted by the state to the person or corporation from whom this company may purchase such water rights or land covered with water, nor to authorize any improvement, occupation or use of any land now covered with water, by erecting thereon docks, piers, bulkheads or warehouses, railways or other things, unless such land under water shall heretofore have been granted by the state to the person or corporation from whom this company shall purchase water rights or lands covered with water, nor to authorize any purchase of water rights or lands under water, situated out of the township of Weehawken in the county of Hudson.

7. *And be it enacted*, That the corporation shall have their principal office on the premises, or elsewhere in Hudson county, in this state, where legal process may be served upon the superintendent or general manager of its business, but the corporation may have an office in New York, where the annual elections and other business meetings of the said corporation may be held, and the directors may be resident in New York or in any other state, and the meetings of stockholders for the election of directors may be held at any hours of the day which may be designated in the by-laws.

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

Approved March 22, 1867.

CHAPTER CLXXXVII.

An act to incorporate the Elizabeth and New Providence Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nathaniel Bonnel, George Manly, William F. Day, Jacob Davis, Theodore Pierson, Amos Clark, Jr., Daniel Benjamin, Augustus Kellogg, John C. Rose, 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 Elizabeth and New Providence Railroad Company, and by that name they and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal and the same at pleasure to alter; and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the object of this corporation.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, with liberty to the said company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Commis-
sioners to
receive sub-
scriptions.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation at such times and places as they or a majority of them may think proper, giving at least ten days' notice in one of the newspapers published in Union county, and that at the time of subscribing ten per centum shall be paid on each share subscribed for, to the commissioners or some one of them, and when one hundred thousand dollars are subscribed to the capital stock of the said corporation, the persons holding

the same shall be and they are hereby incorporated into a company, and the commissioners shall give like notice for a meeting of the stockholders to choose 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 lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation; and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services, and the time and place of holding the first meeting of directors, shall be fixed by the said commissioners or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president; and in case of the death, or 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 directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed 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.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and shall have power to call in the capital stock of said company by such instalments (not to exceed ten dollars on each share at any one time,) and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other, and in case of 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

Election of
directors.

Not
dissolved
for failure
to elect.

Power of
directors.

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 a secretary, and so many clerks and servants as to them may seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey
and con-
struct rail-
road.

Surveying
route of
road.

Proviso.

Proceed-
ings when
company
and owners
cannot
agree.

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, locate and construct, maintain and operate a railroad from some point in the city of Elizabeth, to some point in the township of New Providence, in the county of Union, not exceeding one hundred feet in width, 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 lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary 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 for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damage 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 be first had and obtained.

7. *And be it enacted*, That if the owners of the lands on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company or owners cannot agree as to the price of the same, it shall be the duty of every judge of the inferior court of common pleas

of the county in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land and the quantity taken, by whom owned and how situated, bounded and described, in writing, under their hands and seals, or the hands or seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county at the next term after such decision of the commissioners by proceeding in the form of petition to the said court, within five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the company, and execution issued if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct, and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Parties aggrieved may appeal.

Proceed-
ings in case
of legal dis-
ability.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos 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 corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in case of appeal above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement and witness fees.

Bridges or
passages to
be erected.

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, when 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; and if the company neglect to perform the same, after giving twenty days' notice to the company by the owner or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

Rates of
transporta-
tion.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the fund of the company, all machinery, engines, wagons, carriages, or cars, for transportation of persons or any species of property on the said railroad or any railroad connected with it, as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than four cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than six cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property; and the said railroad, with its appendages, and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of their charter.

Proviso.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper, of the net proceeds thereof, and shall, in like manner, semi-annually 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. Dividends.

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

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding twenty acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages, and other necessary uses; shall take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over all streams of water on the line of the said road as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act. May acquire real estate.

14. *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. May make contracts with other corporations.

15. *And be it enacted*, That the said Elizabeth and New Providence Railroad company shall have power to borrow such sum or sums of money, not to exceed two-thirds of the amount of the paid up capital stock of said company, from time to time, as shall be necessary to build, construct or repair their road, and furnish all necessary engines, machinery for the use and objects of said company, and to secure the re-payment thereof by the execution and negotiation of any bond or bonds. May borrow money.

and secured by mortgage on said road, lands, privileges, franchises and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum interest per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof; *provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, (with the right to dispose of said bonds as they may see fit,) and redeemable in thirty years from date.

Proviso.

Proviso.

Tax on cost
of road and
equipment.

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

State may
take road on
payment of
apprais-
ment.

17. *And be it enacted*, That at any time after the expiration of fifty years from the completion of 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 the legislature within one year from the time of their appraisement; 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 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 by him shall proceed to make such appraisement, which shall be binding on 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 thereto, 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 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 all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of stock; and the valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Proviso.

18. *And be it enacted*, That if the said railroad shall not be completed at the expiration of ten years from the first day of July next, then, and in that case (except as to the part constructed), this act shall be void.

19. *And be it enacted*, That the governor, attorney-general, the chancellor, the justices of the supreme court, the judges of the court of errors of this state, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass over said railroad, in the cars thereof, free of charge.

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

Approved, March 22, 1867.

CHAPTER CLXXXVIII.

A further supplement to the act entitled "An act to incorporate the Hackensack and New York Railroad Company."

Preamble.

WHEREAS, The Hackensack and New York Railroad Company having a right by their charter and several supplements thereto, to extend their road from its present terminus at Hackensack, northward through the Pascack Valley to the New York state line, have made a contract in writing, dated the fifteenth day of October, anno domini, eighteen hundred and sixty-six, with David P. Patterson and others, for the building and running that part of said extension which will be north of New Bridge in the county of Bergen, and have, through the said David P. Patterson, and others associated with him, opened subscription books and obtained subscriptions to a special capital stock of said company to the amount of about one hundred thousand dollars, with certain conditions and restrictions, particularly mentioned in said contract, therefore,

Contract declared binding.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said contract and all the conditions and restrictions thereof, be and the same are hereby confirmed and declared to be valid and binding upon the said parties thereto; *provided*, that all memoranda-executed by said parties explanatory of said contract shall be taken and construed as part thereof; *and provided further*, that the same shall not be binding on or in any way enforced against those subscribers who shall signify and deliver their dissent thereto in writing to the trustees hereinafter named, or one of them, within thirty days after the passage of this act; and it shall be lawful for the trustees hereinafter named to open, receive and collect, such further and other subscriptions to the said extension stock, in the manner and for the purposes mentioned in said contract, as they or a majority of them, shall from time to time, deem necessary and expedient for the construction and equipment of said extension road, and special certificates for all extension stock subscribed for under said contract, or hereafter to be subscribed for, shall when paid up, be issued by said compa-

ny, and said company shall provide and keep separate books for the transfer of the same.

2. *And be it enacted*, That it shall be lawful for the said subscribers to the special capital stock, and their assigns, at such times as they shall see fit to elect in the manner provided by law for the election of officers by corporations, nine trustees from among said stockholders, who shall hold their office for one year, and until others are elected in their stead, which trustees shall have the right and lawful authority to perform the duties on behalf of said special stockholders, stipulated in said contract, and shall represent the said special stockholders in any liability arising under said contract; *provided*, that the trustees now elected by said subscribers to said stock, shall hold their office for one year, and until others are elected in their stead.

Election of trustees.

3. *And be it enacted*, That it shall be lawful for said trustees, in accordance with the provisions of said contract, to make all necessary contracts, in and by the name of "The Trustees of the Hackensack and New York Railroad Extension," for the work of building and completing said railroad extension, and to use the funds arising from such subscription and stock, and such other funds as may be procured for that purpose, in the building, completing and equipping said extension, the said trustees, in their representative capacity, and the said extension road alone being liable therefor, and in and by that name to borrow money necessary to complete said road, not exceeding two-thirds of the amount of the paid up capital of said company, and to issue and sell bonds therefor, bearing an interest not exceeding seven per centum per annum, and in and by that name to execute a mortgage or mortgages upon said extension road to secure payment of such bonds.

Trustees to make contracts.

Issue bonds

4. *And be it enacted*, That so much of the second section of the act entitled "A further supplement to the act entitled 'An act to incorporate the Hackensack and New York Railroad Company, approved March fourteenth, eighteen hundred and fifty-six,'" which supplement was approved March twelfth, eighteen hundred and sixty-one, as requires the Hackensack and New York Railroad Company to locate and construct the said extension west of the Pascack river, be and the same is hereby repealed, and it shall be lawful for said company to locate and construct the same, east of the said Pascack river, and not more than one-half mile therefrom where it runs in line with said river.

Change of route of extension.

Preamble. AND WHEREAS, by the act entitled "A further supplement to the act entitled 'An act to incorporate the Hackensack and New York Railroad Company,' approved March fourteenth, eighteen hundred and fifty-six," which supplement was approved March twelfth, eighteen hundred and sixty-one, the said company was authorized to extend their railroad from its northern terminus at Hackensack, northwardly in the county of Bergen, and issue stock and bonds and execute mortgages therefor as in said act is provided, and no provision is made therein for obtaining the approval or acceptance of said act by the stockholders, therefore,

Majority in
interest
must assent
to extension

5. *Be it enacted*, That before the said company shall proceed with the construction of the extension provided for in the said supplement, or of any part thereof, the said supplement shall be assented to or accepted by a majority in interest of the stockholders of said company, to be signified in writing, and upon such assent or acceptance being delivered to the president or secretary of said company, the said supplement shall be deemed and taken as being accepted by the said company and the stockholders thereof, and thereupon the directors of said company may proceed with the construction of said extension, or such part thereof as they may deem proper, and exercise all the rights, powers and privileges granted by the said supplement, and issue bonds to the amount thereby authorized, and secure the same by mortgage upon the whole road, property and franchises of said company; *provided*, that if any stockholder of said company shall object to and dissent from such acceptance, and shall within thirty days after the passage of this act, give notice of such dissent in writing to the president or secretary of the said company, and shall surrender his or her certificate of stock, such stockholder (in case said directors shall proceed to construct such extension or any part thereof) shall receive from said company the value of his or her stock, as the same may be appraised by three commissioners to be appointed for that purpose by the chancellor or supreme court of this state, upon reasonable notice given or sent by mail to such dissenting stockholder wherever he or she may be, and upon tender of the amount of such appraisal to such stockholder, his or her rights as a stockholder shall cease, and the said stock shall be deemed to be extinguished, and the said company may thereupon issue other stock to the same amount in lieu thereof.

Proviso.

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

Approved, March 22, 1867.

CHAPTER CLXXXIX.

A further supplement to an act entitled "An act to incorporate the New York and Bull's Ferry Railroad Company," approved March fourteenth, eighteen hundred and sixty-one, and the supplements thereto, changing the name to the New York and Fort Lee Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York and Fort Lee Railroad Company be empowered to own and use upon their road engines to be operated by steam power. May use steam power.

2. *And be it enacted*, That so much of the act and its supplements, to which this is a further supplement, inconsistent 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 22, 1867.

CHAPTER CXC.

An act to incorporate the New Brunswick and Bound Brook Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Levi D. Jarrard, Isaac S. Manning, Henry L. Janeway, Charles D. Jenkins, Albert H. Hagar, Philo S. Ely and G. P. Bergen, and such other persons as may hereafter be associated with them, and their successors shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "New Brunswick and Bound Brook Railroad Company," and shall be capable of purchas- Names of corporators

ing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

Amount of
capital
stock.

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

Books of
subscription
to be
opened.

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

Election of
directors.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and controlled by a board of directors, seven in number, who shall be stockholders, and a majority of whom shall be residents of the state of New Jersey; and that the said directors shall be chosen on the fourth Tuesday of January in each year, at such time and place, and in such manner as shall be designated in the by-laws of said corporation, and shall hold their offices for one year and until their successors are elected; and the directors chosen at such meeting shall, as soon as practicable after every election, choose out of their number a president of said board, and if it shall happen that any vacancies in said board occur from any cause, the same may be filled by the remaining directors or a majority of them, at any meeting of the board of directors; and until after those directors elected at the first annual meeting shall enter upon the duties of their office, the persons named in the first section of this act, shall be directors of this corporation, having the same powers as those who shall be subsequently elected.

Capital
stock may
be called in
install-
ments.

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

6. *And be it enacted*, That in case it shall happen that an election of directors shall not be made when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as practicable, by giving such notice thereof as shall be required by the by-laws of said corporation.

Company
not to be
dissolved
for failure
to elect.

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, with necessary branches or turnouts from the main line, from some suitable point at the city limits of the city of New Brunswick to the village of Bound Brook, in Somerset county; the route of said road may be through the county of Middlesex or Somerset, or either of them, and shall be through and along the public highway or turnpike between New Brunswick and Bound Brook; and the cars of said company shall be propelled by horse power, or by dummy engines; and the said company is hereby authorized and empowered to lease or purchase of the New Jersey Turnpike Company the turnpike or route, privileges and franchises as above described, and convert the same to the purposes of this corporation; *provided however*, that said railroad shall be so constructed as forever to furnish and leave sufficient room and space for the convenient passage and travel of ordinary wagons, carriages and other vehicles, and that said company shall and may have the same right to demand and take the tolls which by the said turnpike company have been heretofore authorized to take for the passage of such vehicles, and that said railroad company shall be, and they are hereby invested with all the powers and rights of proceeding to take and collect such tolls as by the charter of said turnpike company and the several supplements thereto, said last mentioned company have heretofore had and enjoyed, subject also to all the provisions, conditions, liabilities and restrictions under which said turnpike company have been heretofore subjected touching the maintenance and repair of said road, and the collection of such tolls.

May construct road.

Proviso.

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

Rates of toll the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for carrying each passenger, but no charge shall be required to be less than five cents, and not more than twenty-five cents shall be charged for each through passenger, nor more than five cents for any ordinary package or trunk carried by or for any person on such route.

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

May borrow money. 10. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond and mortgage or otherwise, not exceeding the sum of one hundred thousand dollars 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.

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

Time for the commencing and completing road 12. *And be it enacted*, That if the said railroad shall not be commenced within three years from the first day of April next ensuing the passage of this act, and be completed within two years thereafter, unless prevented by legal proceedings, then and in that case this act shall be void.

Limitation. 13. *And be it enacted*, That this act shall continue, and be in force for and during the term of fifty years, and the same shall take effect immediately.

Approved, March 26, 1867.

CHAPTER CXCI.

An act to incorporate the Pneumatic Dispatch Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Lowden, John G. Trusdell, Charles C. Wilcox, George S. Ware, Henry Wescott, Dudley S. Gregory, Charles C. Stretch, Peter C. Schenck, junior, Amzi Condit, Absalom B. Woodruff, Stephen B. Smith, Edward Jardine, Abram W. Nash, Ephraim P. Empson, Cornelius Shuart, and such other person or persons as may hereafter become stockholders in the said company, their successors and assigns shall be and are hereby made and constituted a body politic and corporate in fact and in law, and by that name, style and title shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation; may sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity of record and otherwise; may purchase, receive, have, hold and enjoy to them, their successors and assigns, all such lands, tenements, hereditaments, goods and chattels and estates, real, personal and mixed, of what kind and quality soever, as may be necessary for the purpose of said corporation; and the same from time to time may sell, convey, mortgage, encumber, grant, charge, lease, alien and dispose of, to make dividends of such portions of their profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and to ordain, establish and put in execution such by-laws, rules and ordinances and regulations as may be necessary or convenient for the government of the corporation, and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering of its affairs and business.

2. *And be it enacted*, That the capital stock of the corporation shall be five thousand shares of one hundred dollars each, certificates of which shall be signed by the president and countersigned by the treasurer, and sealed by the common seal; *provided*, that it shall be competent for the corporation at a regular or stated meeting or meetings, by a

Names of
corporators

May purchase and
hold real
estate.

Amount of
capital
stock.

Proviso.

vote of the majority of the stockholders, to increase the capital stock from time to time, in the manner provided in and by an act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing purposes," approved March second, eighteen hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Power to
construct
and operate
machinery.

3. *And be it enacted*, That said corporation shall have power to provide, erect, operate and maintain machinery, engines, tubes and apparatus, which may be deemed necessary for the transmission of property of any kind intrusted to the care of said corporation, whether upon the surface of the earth or under the same, and for this purpose they are authorized and empowered by themselves, their agents, engineers and workmen, and with their tools, wagons, carts and horses, to enter upon such lands and inclosures, streets, lanes and alleys, roads, highways and bridges, as it may be necessary to occupy for the purposes aforesaid, or to obtain materials for the construction of said works, and to occupy, ditch and lay pipes through the same, and the same to repair from time to time, and if it shall be necessary to take any land, or any injury be done to private property, the said company shall make compensation therefor, according to the provisions of the seventh and eighth sections of an act entitled "An act to incorporate the Morris and State Line Railroad Company," approved March thirty-first, eighteen hundred and sixty-four; but said company shall restore the street or highway thus intersected or touched, to its former state, or to such state as not necessarily to have impaired its usefulness; *provided*, that nothing herein contained shall be construed to authorize the construction of an ordinary track or locomotive railroad, with ordinary passenger and freight cars upon the surface of the ground.

Election of
directors.

4. *And be it enacted*, That the persons named in this act, or a majority of them, shall call a meeting within six months from the passage of this act, of the corporate body hereby created, giving ten days' notice of the time and place of holding the same in one of the newspapers of the county of Passaic, for the purpose of choosing a president and nine directors, said directors, with the president, shall constitute the board of directors for the management of the affairs of the corporation, and may elect such officers as they deem proper, and shall hold their office for the term of one year, and until their successors are duly elected, and shall exer-

cise all the powers pertaining to the corporation; annual meetings of the corporation shall be held at such times and places as the by-laws shall direct, and vacancies in the board of directors may be filled until the next annual election by a vote of the majority of the directors remaining in office; at every election for officers, each share of stock shall entitle the stockholder to one vote.

5. *And be it enacted*, That the said company shall have power to borrow money in any sum or sums, not exceeding two-thirds of the amount of the paid up capital as may in the opinion of a majority of the stockholders be needful, at a rate of interest not exceeding seven per centum, and to secure the repayment of the same and the interest thereon; to give bonds secured by a mortgage of and for the works of the company, and the corporate rights and franchises guaranteed by this act, which principal moneys shall be payable at such dates and times as the board of directors may deem advisable, and that dividend of so much of the profits of said company as shall appear advisable, may be declared semi-annually payable after ten days' notice.

6. *And be it enacted*, That any corporation other than counties, townships and municipal corporations may become subscribers to such capital stock, and may take and hold said bonds.

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

Approved March 28, 1867.

CHAPTER CXCII.

An act for the relief of the Trenton Hall and Building Association.

WHEREAS, "The Trenton Hall and Building Association" have purchased a lot of land and erected thereon a public hall, the cost of which will considerably exceed the amount of their capital stock subscribed and paid in, and owing to the high rate of taxation in the city of Trenton, the association is unable to borrow money on mortgage at the legal rate of interest for the purpose of completing their building, therefore,

Preamble.

Sum of
money
authorized
to be raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Trenton Hall and Building Association be and they are hereby authorized to borrow such sum or sums of money as they may deem necessary, not exceeding in the aggregate forty thousand dollars, and to secure the same by bond and mortgage on their real estate, and in addition to the legal rate of interest it shall be lawful for said association to pay and for the tender or tenders of said money to receive all taxes assessed on said loan or on the securities given therefor, or otherwise such increased rate of interest over seven per cent. per annum as the parties may consider a fair equivalent for and agree to pay and receive in lieu of said taxes.

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

Approved March 26, 1867.

CHAPTER CXCIII.

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

Number of
commis-
sioners that
may be
appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall be so construed as to allow to each of the wards of the different incorporated cities, boroughs and towns of this state, the same number of commissioners for taking the proofs and acknowledgments of deeds as the respective townships of the state are now entitled to; *provided*, that the whole number of commissioners shall not at any time exceed three for each ward.

Proviso.

Acts legaliz-
ed.

2. *And be it enacted*, That all the commissions heretofore issued to persons as commissioners for taking the acknowledgments and proof of deeds, in and for any of the wards of the different incorporated cities, boroughs and towns of this state, and all acknowledgments in proper form taken under said commissioners are hereby legalized and made valid.

3. *And be it enacted*, That all commissions hereafter issued

to commissioners of deeds shall bear date and take effect on the first day of April next succeeding their appointment, and the two months in which he is required to take the oath required of him before the clerk of the courts, shall be computed from the date of said commission.

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

Approved March 26, 1867.

CHAPTER CXCV.

A supplement to the act entitled "An act to authorize the inhabitants of Irvington, in the township of Clinton, in the county of Essex, to improve and regulate their roads, streets, crossings and sidewalks," approved February twenty-fifth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the inhabitants of the district described in the first section of the act to which this is a supplement, to raise in any one year, in addition to the proportion of the road tax to which they may be entitled from the said township of Clinton, a sum not less than three hundred dollars nor more than one thousand dollars, which sum shall be raised in the manner prescribed by the provisions of the third section of the act to which this is a supplement.

Authority
to raise additional tax.

2. *And be it enacted*, That hereafter it shall be lawful for the superintendent or overseer to receive as compensation for his services the sum of three dollars per day, or such per diem allowance not exceeding that amount, as may be agreed upon between said superintendent or overseer and the board of commissioners for each and every day by him actually employed in the performance of his duty as such superintendent or overseer under said act.

Compensation of
overseer.

3. *And be it enacted*, That hereafter it shall not be lawful to cover the sidewalks within the limits aforesaid with gravel or sand, as contemplated by the provisions of the sixth section of said act to which this is a supplement, but said sidewalks shall be covered only with flag, brick or plank, according to the width established by said board of com-

Sidewalks.

missioners and under the supervision of said superintendent.

Sidewalks
to be kept
clear of
snow or ice.

4. *And be it enacted*, That the owner or occupant or person having charge of each and every dwelling house, store or other building, or lot or lots of ground within the limits aforesaid, shall within the first twenty-four hours after every fall of snow or hail, or after the formation of any ice upon any sidewalk within the limits aforesaid, unless the said ice shall have been covered with sand or ashes, cause the same to be removed entirely from off the said sidewalks opposite to each dwelling house, store, other building, or lot of land, under the penalty of five dollars for each and every such neglect, to be forfeited and paid by the said owner or owners, occupant or occupants, or person having charge thereof, severally and respectively; and it shall be the duty of the said superintendent or overseer to procure the performance of duty enjoined by this section of this act, and in case of a neglect or refusal on the part of any such owner or owners, occupant or occupants, or person having charge of such dwelling house, store, lot or lots, it shall then be the duty of the said superintendent or overseer to sue for the said penalty in any court having cognizance thereof, in his own name as such superintendent or overseer, and any sum or sums received in such suit or suits after the payment of the necessary fees and costs thereof, shall be paid over by the said superintendent or overseer to the said board of commissioners and be by them expended in repairing the roads within the limits aforesaid.

Commissioners,
their powers
and duties.

5. *And be it enacted*, That the board of commissioners mentioned in the fourth section of the act to which this is a supplement shall have power and it is hereby declared to be their duty to order any sidewalks within the limits aforesaid to be levelled, graded and paved in the manner aforesaid, and to prescribe the manner in which the said work shall be performed, and the width to which said sidewalks shall extend, and whenever the said board of commissioners shall order the said sidewalks to be so levelled, graded and paved, it shall be the duty of the said superintendent or overseer, forthwith to give notice to the owner or owners of such lots in front of which such sidewalks shall be situate, of the order so made, and in case any owner or owners shall neglect or refuse, within the space of three months after such notice shall be given, to pave or plank said sidewalks in the manner prescribed by this act, and by said

board of commissioners, then it shall be the duty of the said superintendent or overseer forthwith to proceed and pave or plank said sidewalks in the manner prescribed by said act and as so ordered by the said board of commissioners, and pay for the same out of and from any public money at the disposal of said board, and after so paving or planking said sidewalks, the said superintendent or overseer shall make a report to said board of commissioners in writing, of the expenses for such paving or planking which shall remain unpaid, specifying in such report each separate lot and the expenses thereof which shall remain unpaid, which said report shall be filed in the office of the said board of commissioners and shall remain there open for the inspection of every person interested therein, and thereupon the said expenses shall be and become a lien on the said lot or lots in front of which said sidewalks are situate, the expenses of paving or planking which shall not be paid as aforesaid.

6. *And be it enacted*, That all streets, roads, highways or alleys which hereafter may be laid out and paved by any person or persons within the limits aforesaid, and dedicated to public use by the person or persons so laying out and opening the same shall be regulated, graded, levelled and worked in the manner prescribed by the said board of commissioners by the person or persons so laying out and opening the same, or the owner or owners of the several lots fronting on the same, and in case the said person or persons so laying out and opening said streets, roads, highways or alleys, or the person or persons owning lots fronting on the same, shall neglect or refuse for six days after notice in writing from said board served upon them, requiring them to regulate, grade, level and work the said street, road, highway or alley, in the manner prescribed by the said commissioners, then the said superintendent or overseer, under the direction of said board of commissioners shall proceed forthwith and regulate, level, grade and work such streets, roads, highways or alleys, and pay for the same out of and from any public money in the hands or at the disposal of the said board of commissioners, and after so regulating, levelling, grading and working said roads, streets, highways or alleys, the said superintendent or overseer shall make an assessment of the amount of the expenses of such regulating, grading, levelling and working on the person or persons opening and laying out such road, street, highway or

Proceedings in case of neglect or refusal to grade, pave, level or work the public streets, roads, &c.

alley, or upon the owners of lots on the line of any such road, street, highway or alley, and shall make a report of such expenses of regulating, grading, levelling and working such road, street, highway or alley, and of the assessment by him made of such expenses upon the person or persons so opening and laying out such road, street, highway or alley, or the owner or owners of lots fronting thereon, and the said superintendent shall also thereupon put up at three of the most public places within the limits aforesaid, true lists of the names of the person or persons, owner or owners of lots fronting on said road, street, highway or alley, with the amount assessed to each, and of a place, day and hour, which time shall not be less than ten days, nor more than thirty days from the time of giving such notice, when such board of commissioners shall meet to hear any objections which may be made by any parties interested, at which time and place the said board of commissioners shall attend and hear any objections which may be made against said assessments and proceed on such hearing, to correct the same in such manner as they may deem best, and after so hearing said parties and making such corrections as the said board may deem proper and just, the said superintendent shall forthwith give notice in writing to the several persons upon whom such assessments have been made of the amount required from them severally, and if such persons shall neglect or refuse, for the space of thirty days after receiving such notice, to pay such amount so assessed upon them respectively, then the same shall become and be a valid and subsisting lien on the said lot or lots of land upon which the said assessments are made.

Proceed-
ings after
making the
report of ex-
penses for
paving or
planking
sidewalks,
&c.

7. *And be it enacted*, That after making the said report of the said expenses for paving or planking said sidewalks, or after the said board shall have met and heard any objections relative to the assessments for the expenses of regulating, levelling, and grading said road, street, highway, or alley, the said superintendent or overseer shall forthwith give notice in writing to the owner or owners of such lots, in front of which said sidewalks shall be situate, of the amount of such expenses which shall remain unpaid or to the several persons upon whom any assessment shall be made for any expenses for regulating, levelling and grading such road, street, highway or alley, as the case may be, and by such notice, demand payment of the amount of such expenses or of said assessments remaining unpaid, and in case the

owner or owners or persons upon whom such assessments have been made, shall neglect or refuse to pay the amount of said expenses or of said assessments so remaining unpaid as aforesaid, for the space of thirty days after receiving such notice and demand, then it shall and may be lawful for the said board of commissioners to proceed forthwith, and sell the said lot or lots of land in front of which said sidewalks are situated, or upon which such assessments may have been made as aforesaid, and the owner or owners of which, or persons upon whom such assessments may have been made as aforesaid, shall neglect or refuse to pay the said expenses or said assessments to such person or persons as will take the said lot or lots of land and premises for the lowest number of years not exceeding fifty, which may be bid therefor and pay the said amount of expenses or assessments remaining unpaid as aforesaid, with the interest thereon, and the necessary costs and expenses of said sale, and of preparing and executing the necessary certificate and declaration of sale; that before making the said sale the said board of commissioners shall advertise the said lot or lots of land or premises by advertisements in writing or printing, or both, set up for sixty days prior to said sale at five of the most public places within the said limits, and also by an advertisement posted at the lot or lots, so to be sold as aforesaid, or so near thereto as possible, which advertisement shall describe the said lots by a short description thereof so made as to be intelligible and mention the day, place and hour at which such sale is intended to be had, and the amount of said expenses or assessments which remain unpaid, and at the time and place so appointed for said sale, the said board of commissioners shall offer the said lot or lots for sale by public auction and sell the same to the person or persons who will take the same for the lowest number of years not exceeding fifty, and pay the amount of such expenses or assessments remaining unpaid and the interest, with the necessary cost and expenses of said sale, and of preparing and of executing the certificate and declaration of sale hereinafter mentioned; said sale may be adjourned from time to time, as said board of commissioners may direct.

8. *And be it enacted*; That the said board of commissioners shall upon such sale being had, forthwith execute and deliver to the purchaser or purchasers of the said lot or lots, certificates of sale, which certificate of sale shall contain a brief description of the lot or lots so sold as aforesaid, so

Commis-
sioners to
make cer-
tificates of
sale.

made as to be intelligible, the term of years for which it was sold, the amount of the said expenses or assessments of the interest thereon, and of the said costs and expenses of said sale and papers, and of the time when the right to redeem will expire, such certificate shall be presumptive evidence of the facts therein stated, and shall constitute and be a lien on the premises so sold as aforesaid, and so described in the same.

Notices of
sale to be
made.

9. *And be it enacted*, That no mortgagee or mortgagees or their assigns, whose mortgage shall have duly recorded or registered before any such sale, shall be divested of his, her or their rights in the lot or lots so sold, unless six months' notice in writing of such sale having been made shall be given to him, her or them by the purchaser or purchasers, or by any person or persons claiming under such purchaser or purchasers, personally if such mortgagee be a resident of the said township of Clinton, and if not such a resident, then upon the owner of the said premises, if he be a resident in the said township of Clinton, and by depositing said notice in the post-office at Irvington aforesaid, with postage prepaid, directed to said mortgagee or mortgagees, or their assigns, at the place of residence of said mortgagee or mortgagees or their assigns, as stated in the said mortgage or the last assignment thereof, if there be more than one assignment, but nothing herein contained shall be construed as to impair the lien created by such sale; within one month after the service of such notice, it shall be the duty of the person serving the same, or causing the same to be served, to file with the said board of commissioners, a copy of the notice served together with the affidavit of some person, who shall be certified by the person before whom such affidavit shall be taken, to be a creditable person, proving the service of said notice.

Lands or
premises
how re-
deemed
after sale.

10. *And be it enacted*, That the owner, mortgagee or mortgagees, occupants or any person or persons having a legal or equitable interest in any lands and premises so sold as aforesaid under the provisions of this act, may redeem the same at any time within three years from the time of such sale by paying to the said board of commissioners, for the use of the purchaser or purchasers, his, her or their heirs or assigns, the amount which such purchaser or purchasers may have paid, together with any tax which said purchaser or purchasers, or his, her or their legal representatives, may have paid on the said land and premises so sold as aforesaid; *provi-*

Provido.

ded, a notice of the payment of such tax shall have been filed with the said board of commissioners, with interest on such purchase money at the rate of fifteen per centum per annum from the time of such sale, and also on the amount of any such tax paid as aforesaid, from the time of filing such notice of the payment thereof as aforesaid, and the certificate of the said board of commissioners, stating the payment and showing what land and premises such payment is intended to redeem, shall be evidence of such redemption, and the said board of commissioners shall thereupon cause the same to be refunded to the said purchaser or purchasers, his, her or their assigns, and thereupon all lien or liens created by the said sale and this act shall cease and determine, unless the said redemption be made by a mortgagee or mortgagees or their assigns, or by a judgment creditor, in which case the mortgagee or mortgagees, or judgment creditor so redeeming shall have a lien or liens on the said land and premises so sold by virtue of this act, for the amount by him, her or them paid to said board of commissioners, to effect such redemption, with interest thereon at the rate of seven per centum per annum, in like manner as if the same had been included in his, her or their mortgage or judgment, and may enforce the payment thereof in the same manner as if so included.

11. *And be it enacted*, That if any lands and premises so sold by virtue of this act as aforesaid, shall not be redeemed as by this act is provided, the said board of commissioners shall at the end of three years from said sale, if required so to do, by the said purchaser or purchasers, their heirs or assigns, make, execute and deliver to the said purchaser or purchasers, their heirs or assigns, a declaration of sale under their hands and seals, which declaration of sale shall contain a description of the said lands and premises so sold as aforesaid, and a statement of the amount of said expenses or of said assessment, as the case may be, and of the interest thereof and of the costs and expenses of said sale, of the said advertisement of said sale, and the date thereof, and of the period for which said land and premises are so sold as aforesaid, such declaration of sale, in all courts and places within the state of New Jersey, shall be presumptive evidence that said sale and proceedings were regularly had and made according to the provisions of this act, and such purchaser or purchasers, his, her or their legal representatives shall by virtue thereof lawfully hold and enjoy such lands and prem-

Proceed-
ings when
lands shall
not be re-
deemed.

ises, with the rents, issues and profits thereof for his, her and their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be fully completed and ended for which the purchaser or purchasers agreed at the sale thereof to take the same, and at the end of the said term the said purchaser or purchasers, his, her or their legal representatives in possession thereof shall peaceably and quietly yield up such lands and premises to the lawful owner or owners thereof, and shall be liable for any injury or waste by him, her or them committed, in the same manner as a tenant for a term of years.

Commissioners how to proceed.

12. *And be it enacted*, That in addition to the foregoing remedies for the recovery of the said expenses and said assessments, it shall and may be lawful for the said board of commissioners to sue, in any court having competent jurisdiction thereof in the state of New Jersey, the several persons from whom may be due any expenses for paving or planking said sidewalks, which may be and remain unpaid, or the several persons upon whom any assessments may be made as aforesaid for regulating, levelling and grading any road, street, highway or alley, and which shall remain unpaid, such suits may be brought in the name of the said board, by the name and style of the board of commissioners; in such suits the board may declare generally for so much money laid out and expended by them for the use of the several defendants in such suits, and give the special matter in evidence.

When considered to be a public street or road, &c.

13. *And be it enacted*, That no street, road, highway or alley laid out or opened within the limits aforesaid, or hereafter to be laid out and opened within said limits, shall be recognized, considered or treated as a public road, street, highway or alley, unless the same has been, or shall be laid out in the manner prescribed by the provisions of the act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six, and the several supplements thereto, or unless every person or persons who shall hereafter lay out and dedicate any road, street, highway or alley within the limits aforesaid, to public use, shall cause the same to be properly defined as to the boundaries, courses and distances thereof, and shall cause the same so defined, and the other courses and distances thereof to be recorded in the clerk's office of the county of Essex, and shall also cause the same to be regulated, paved, levelled and

worked in the manner prescribed the said board of commissioners.

14. *And be it enacted*, That all notices required by the fifth, sixth and seventh sections of this act shall be served personally or by leaving the same at the residence of the persons severally entitled to receive the same; *provided*, they reside in the said township of Clinton, then such notices shall be served by being deposited in the post office at Irvington in said township with postage prepaid, and directed to the several persons who are severally entitled to the same, at their nearest post office address; and if the residence of such persons cannot be ascertained, then such notice may be served by posting the same on the said lots of land and premises, or so near the same as possible. Notices to be served personally.
Proviso.

15. *And be it enacted*, That it shall and may be lawful for the said board of commissioners in the prosecution of any suit or suits, or proceedings under this act, or the provision thereof to pay all proper and necessary fees and costs in such suit or suits or proceedings, out of and from any public money in their hands or at their disposal. Fees and costs in case of legal proceedings.

16. *And be it enacted*, That all parts of the act to which this is a supplement, which are inconsistent herewith, be and the same are hereby repealed. Repealer.

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

Approved, March 27, 1867.

CHAPTER CXC.V.

An act to extend the provisions of an act entitled "An act to authorize the inhabitants of the township of Clinton, in the county of Hunterdon, to vote by ballot at their town meetings," approved March twenty-second, eighteen hundred and sixty-four, to the township of Tewksbury, in said county.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the provisions of the act entitled "An act to authorize the inhabitants of the township of Clinton, in the county of Hunterdon, to vote by ballot at their town meeting," approved March twenty-second, eigh- Provisions extended to Tewksbury township.

teen hundred and sixty-four, be, and they are hereby extended to the township of Tewksbury, in said county.

Approved, March 27, 1867.

CHAPTER CXCVI.

A further supplement to "An act for the preservation of deer and other game and to prevent trespassing with guns," approved April sixteenth, anno domini, eighteen hundred and forty-six.

To prevent
fishing on
sunday.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the fifth section of the supplement to the act approved March twenty-sixth, anno domini, eighteen hundred and sixty-six, to which this is a further supplement, be, and they are hereby extended so as to include all persons who shall fish, with hook and line, for any kind of fish whatsoever, on the Sabbath day, except those mentioned in the said section of said supplement, and that all persons so fishing on the Sabbath day shall be subject to the same fines and penalties, and shall be recovered in the same manner as in said supplement stated.

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

Approved, March 27, 1867.

CHAPTER CXCVII.

An additional supplement to "An act to provide for the publication of the Public Laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

Laws to be
published
in Union
Standard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such laws as are authorized to be published by the other newspapers of Union county, be published in the Union Standard, a weekly newspaper published in Elizabeth, Union county, by J. Madison Drake, for which

publication the said J. Madison Drake shall be entitled to receive the same compensation as is allowed to publishers of other newspapers in said county, and that this act shall take effect immediately.

Approved, March 27, 1867.

CHAPTER CXCVIII.

An act for the relief of James Farril.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That James Farril, of the county of Gloucester, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey. Rights and privileges.

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

Approved, March 27, 1867.

CHAPTER CXCIX.

An act to incorporate the Cape May Land and Fruit Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Maurice Beesley, W. S. Johnson, Thomas Beesley, Joseph Coult, and John Whiley, and all such persons as may be hereafter associated with them, 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 Cape May Land and Fruit Company, for the purpose of buying, selling, holding, cultivating fruit, and improving the marsh and uplands in the counties of Cape May and Atlantic, and for buying, sawing, and selling wood and lumber, building houses, and selling the produce of said lands, and carrying on the business incident thereto, and that they and their successors may sell, grant, devise, alien, mortgage and otherwise dispose the said lands, tenements and hereditaments, goods and chattels, or any part thereof, and may lay open and Names of corporators

maintain ditches and drains through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with liberty to increase the same to sixty thousand dollars, and shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, appropriate to such business, at a bona fide valuation, to be agreed upon by a majority in interest of stockholders, and the said corporation may issue stock in payment therefor, and that subscriptions for stock shall be opened at such places as the directors shall designate, public notice of the time and place of which shall be given, for not less than thirty days, under the direction of the board of directors, or such of them as shall be designated by the board for such purpose.

First
directors.

3. *And be it enacted*, That the affairs of the corporation shall be managed by not less than three, nor more than five directors, all of whom shall be stockholders; one of whom shall be president; and they shall hold their office for one year, and until others shall be elected in their stead; and until an election shall be held for directors, the three persons first named in the first section of this act, shall be directors of said corporation.

Dividends.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe; but no dividend shall be made to the stockholders, except from the net profits of the corporation; and that regular books of accounts of the company shall be kept, to which every stockholder shall have free access at reasonable times, for the purpose of inspection.

General
powers.

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An act concerning corporations," approved February fourteenth, one thousand, eight hundred and forty-six, so far as the same are applicable.

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

Approved March 27, 1867.

CHAPTER CC.

An act to incorporate the Highlands Improvement Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Thomas W. Abbott, William Pollock, John Lane, George Merrill, and Charles H. Voorhis, Names of corporators and such other persons as they shall associate with them, their successors and assigns shall be and they are hereby created a body corporate and politic, in fact and in law, by the name of the "Highlands Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate in the county of Bergen, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for said purposes; that the capital stock of said company shall be one hundred thousand dollars, with the Amount of capital stock. privilege of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in, at such times, upon such notice, and in such manner and instalments as the directors of said company, by their by-laws or otherwise may direct, that such payment shall be made either in money or in lands and improvements thereon, situate in the township of Hackensack, in the county of Bergen, and in case of payment in land, the directors may issue for such land and the improvements thereon, the stock of the said company, upon such terms as may be deemed best for its interests, and that in case of the failure of any stockholder to pay the instalments on his or her stock at the place, and within twenty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share and shares, and of all previous payments thereon for the use of the company.

2. And be it enacted, That the capital stock of the said company shall be deemed personal property, and the shares Stock transferable. shall be transferable in such manner as the board of directors by their by-laws may direct, and every share

shall entitle the holder to one vote, either in person or by proxy.

Directors
to be chosen
annually.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by this act, when twenty-five thousand dollars of its capital stock shall be subscribed; that the affairs of the company shall be managed by five directors, a majority of whom shall be a quorum, to be chosen by the stockholders of the company annually, at such time and in such manner as the by-laws of the company may direct, who shall serve for one year, and until others are chosen in their stead, notice of which election shall be previously given in a newspaper published in the county of Bergen; the said directors shall from time elect a president from their own number, who shall hold said office until the next annual election for directors, and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; and any vacancy or vacancies which may occur in any board of directors may be filled for the remainder of the then current year, by the remaining members of said board.

Power to
make
contracts.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate roads, streets and alleys, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable; and that the said company may contract with any corporation or person or persons for the construction of any public works or improvements for such corporation or person or persons, and for the purpose of improving their property; and to enable them to raise money to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same and to secure the payment of such bonds, the said company shall have power to convey or pledge, by way of mortgage or trust, all their real estate, or such portion thereof as they may deem necessary for that purpose, to an amount not exceeding fifty per centum of the capital stock paid in.

First
directors.

5. *And be it enacted*, That the directors shall have full power to make such by-laws, ordinances and regulations, not

contrary to the laws or constitution of the United States or of this state, as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; and the persons named in the first section of this act shall be the first directors of said company, and shall hold office for one year from the organization of said company, and until others shall be chosen in their stead.

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

Not to be dissolved for failure to elect.

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

May be repealed.

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

Approved, March 27, 1867.

CHAPTER CCI.

A supplement to an act entitled "An act to incorporate the Plainfield Fire Department," approved March three, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said corporation shall not in the aggregate exceed the sum of fourteen thousand dollars, and that it shall not be lawful to raise in any one year, for the purposes mentioned in the act to which this is a supplement, a sum exceeding two thousand dollars.

Amount of capital stock authorized.

2. *And be it enacted*, That in section fifteen of the act to which this act is a supplement, the word "sixty" shall be substituted for the word "thirty," and that the firemen mentioned in said section shall be exempt from jury or militia duty, so long as they shall belong to such company, or after they shall have served seven years as members of said fire company.

Firemen to be exempt from jury or militia duty.

Repealer.

3. *And be it enacted*, That the word "Union" be substituted for the word "Essex" wherever it occurs in the act to which this act is a supplement, and that any portion of said act which conflicts with the provisions of this supplement be repealed.

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

Approved March 27, 1867.

CHAPTER CCII.

An act to alter the boundary line between the township of Clark and City of Rahway, in the county of Union.

Alteration
of division
boundary
line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary line between the city of Rahway and the township of Clark, shall be changed to conform to the following courses, viz: beginning at the monument set at the intersection of the present boundary line with the centre line of the Westfield road, near the house of Smith Woodruff, and running south forty-three degrees and fifty-eight minutes, west sixteen hundred and twelve feet along the centre line of the Madison Hill road; thence south fifty-two degrees and forty-five minutes, west nine hundred and fifty feet along the centre line of said road; thence south eighty-two degrees and forty-one minutes, west three hundred and seven feet along the centre line of said road; thence south eighty-five degrees and twelve minutes, west two hundred and fifty feet along the centre line of said road; thence south one degree, west nine hundred and eighty feet; thence in a direct line to the monument on the present boundary line between Union and Middlesex counties, near the head of Milton Lake.

Portion
annexed to
City of
Rahway.

2. *And be it enacted*, That all that part of the territory of the township of Clark, lying between the present boundary line and the line described in the preceding section of this act, shall be set off from the township of Clark, and annexed to the city of Rahway, and shall constitute a part of the third ward of said city.

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

Approved March 27, 1867.

CHAPTER CCIII.

A supplement to an act entitled an act to incorporate the Orange and Newark Horse Car Railroad Company, approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said The Orange and Newark Horse Car Railroad Company be authorized to increase their capital stock one hundred and fifty thousand dollars above that now authorized by law. Capital stock may be increased.

2. *And be it enacted*, That the township committee of any township in which the railroad of said company now runs, or may hereafter run, shall have full power to make, alter and change any contract with said company in relation to the location and construction of their railroad in such township, which contract, or copy thereof being filed in the office of the clerk of the county of Essex, shall be binding on such township and on the company. Power to make contracts.

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

Approved, March 27, 1867.

CHAPTER CCIV.

A supplement to an act entitled "An act to incorporate the Hackensack Gas Light Company," approved March thirteenth, eighteen hundred and sixty-one.

WHEREAS, since the passage of said act David A. Berry, one of the corporators and commissioners named therein hath died, and it is deemed proper and necessary to increase the number of directors and the amount of capital stock authorized by said act, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John J. Ward be, and he is hereby, appointed a corporator and commissioner to fill the vacancy caused by the death of said David A. Berry; that the capital stock of said corporation shall be forty thousand Number of directors increased.

dollars, and that the number of directors provided for in said act be, and the same is hereby, increased to seven.

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

Approved March 27, 1867.

CHAPTER CCV.

A supplement to an act entitled "An act to incorporate the Mount Holly Water Company," approved April fifth, eighteen hundred and forty-five.

Capital
stock
reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Mount Holly Water Company, be and the same is hereby reduced to the sum of seven thousand five hundred dollars.

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

Approved, March 27, 1867.

CHAPTER CCVI.

An act to incorporate "The Hackettstown Mutual 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 Peter Smith, George W. Johnson, Richard Stephens, A. R. Day, William Shields, John Fisher, John Naughtright, J. H. Curtis, I. W. Crane, William L. Johnson, C. H. Valentine, John Tims, S. M. McClallen, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Hackettstown Mutual Fire Insurance Company,"

Objects of
the
corporation

for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise, and other property, against loss or damage by fire;

and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, either in law or equity; and by that name may also have, purchase, possess and enjoy, to them and to their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purpose of this corporation; and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided*, that they be not contrary to the laws or constitution 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 said corporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by the said corporation, and no longer. Members.

3. *And be it enacted*, That all the affairs, property and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year, and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and that the said Peter Smith, George W. Johnson, Richard Stephens, A. R. Day, William Shields, John Fisher, John Naughtright, J. H. Curtis, I. W. Crane, Wm. L. Johnson, C. H. Valentine, John Tims and S. M. McClallen shall be the first directors of said corporation, which board of directors shall hereafter be elected in each year, at such time and place in Hackettstown, in the county of Warren, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election, which election shall be holden under the inspection of three members; not Election of directors.

being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot, and by plurality of the votes of the members, or their proxies then present, allowing one vote for every five hundred dollars insured in said company; *provided*, always, that each member shall have one vote, and that no member shall have more than five votes.

Proviso.

Officers

4. *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 they may deem reasonable, and also determine the rates of insurance.

Policies.

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

Duties of members.

6. *And be it enacted*, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy deposit his promissory note, with good and sufficient security, or such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part not exceeding thirty per centum of said note shall be immediately paid; and the remainder of said deposit shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid, if any, after all losses and expenses occurring during said term, shall have been provided for according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Sale of insured property.

7. *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 di-

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

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

9. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, and the amount thus collected shall remain in Settlement of damages.

the treasury of said company, subject to the payment of such losses and expenses as have accrued or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Assess-
ments.

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

Policies
transfer-
able.

11. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until entered into the book or books of the company, and certified on such policy by the secretary.

Notices of
meeting.

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

Place of
business.

13. *And be it enacted*, That all the operations and business of the corporation shall be carried on and conducted at such place in Hackettstown as shall be designated by a majority of the directors present at any regular meeting.

Annual
statement.

14. *And be it enacted*, That at every meeting of the said company the directors for the time being shall make and

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

15. *And be it enacted*, That this act shall continue in force fifty years and no longer, and that the same may be at any time hereafter altered, amended or repealed by the legislature. May be repealed.

Approved March 27, 1867.

CHAPTER CCVII.

An act to incorporate the Hudson City Free Library Association, of the city of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Gerrit D. Van Reipen, Samuel B. Pierson, C. H. Moody, Frederick T. Aschman, Frank E. Noble, Henry A. Thomas, John T. Ogden, Perry T. Cumber-Names of corporatorsson, Richard H. H. Steel, George F. Hawkes, George W. Baker, Daniel P. Griffith, and such persons as shall hereafter become members of the corporation hereby created, are constituted a body corporate by the name of "The Hudson City Free Library Association, of the city of Hudson," to be located in the city of Hudson, for the promotion of useful knowledge.

2. *And be it enacted*, That said corporation shall have power to make and adopt a constitution, by-laws, rules, and regulations for the admission, government, suspension and ex-Power to make laws, &c.pulsion of its members, the collection of fees, fines and dues; the number, election and duties of its officers, the safe keeping and protection of its property and funds, and from time to time to alter, modify, change and repeal such constitution, by-laws, rules and regulations, and in the meantime the present constitution, by-laws rules and regulations shall be and continue in force, and the present officers and directors shall hold their respective offices until others are elected in their places.

3. *And be it enacted*, That said corporation shall have power to sue and may be sued by their corporate name, and shall have power to take by purchase, lease, gift, grant, de-May hold real estate.vise and bequest any real or personal estate, and hold, con-

vey and transfer the same, *provided*, that they do not hold, at any one time, real property to the value of more than fifty thousand dollars.

Exempt
from
taxation.

4. *And be it enacted*, That all real and personal estate acquired by this association, as long as held by them for the purposes herein specified, shall be exempt from taxation.

Rights and
privileges.

5. *And be it enacted*, That said corporation shall possess the same rights and privileges granted to corporations of like character in this state.

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

Approved, March 27, 1867.

CHAPTER CCVIII.

An act to incorporate the Fleetwing Hook and Ladder Company of the Town of Lambertville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. W. Vansciver, Ashbel W. Angel, Lewis Coryell, James Gordon, John Sproat, Jr., William W. Bloom, John W. McCreedy, Frederick Blackwell and all persons not exceeding fifty in number, as now are or hereafter shall become members of the "Fleetwing Hook and Ladder Company of Lambertville," 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 "Fleetwing Hook and Ladder Company of the Town of Lambertville," 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, may make, enter into and execute any contracts or agreements, touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five thousand dollars, which shall be applied to the purchase and holding of real estate, to the procuring, maintaining and repairing such truck or trucks, fire hooks, ladders, truck house, 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.

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 the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor, and in their corporate name may institute suits, for the recovery of all fines, debts, and arrearages due to the said company.

4. *And be it enacted*, That the active members enrolled in said 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 27, 1867.

CHAPTER CCIX.

A supplement to an act entitled "An act to incorporate the New Brunswick and Cranberry Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said turnpike road authorized to be constructed by the act to which this is a supplement, shall be commenced within three and completed within nine years from the passage of this supplement, that then and in that case, the said act to which this is a supplement, shall be in full force and effect, otherwise to cease and be void.

Time for
completing
road
extended.

Approved, March 27, 1867.

CHAPTER CCX.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the railroad authorized by the act to which this is a supplement, may be extended from any point of the same to Paterson, and to any point or place in the township of Pompton or West Milford, in the county of Passaic; and for the purpose of carrying into effect the objects and purposes of this act and the complete execution of the same, the said company shall be and they are hereby invested with all the provisions, powers, authority and privileges given and granted by their original act of incorporation and the several supplements thereto, and also subjected to all the duties, responsibilities, restrictions and provisions contained in said act.

2. *And be it enacted*, That it shall be lawful for said company to consolidate their said road and stock with that of any other railroad company of this state that may meet or be connected with the same, or to make a contract of lease with any such railroad company by which the property and franchise may be leased to said company or by which the said Newark and Bloomfield Railroad Company may take and hold the road, property and franchises of such other company.

3. *And be it enacted*, That it shall be lawful for said Newark and Bloomfield Railroad Company to borrow money, not exceeding in all the one half of the capital stock of said company actually paid in, and for that purpose to issue the bonds of said company secured by a mortgage on its road, property and franchises; and that said company may make sale of said bonds for the highest price the same will bring, and make the same payable at such times as they may deem best.

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

Approved, March 27, 1867

CHAPTER CCXI.

An act to incorporate "The Port Elizabeth Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Port Elizabeth Turnpike Company shall be opened by Charles Townsend, Theodore Rodgers, T. M. Sharp, John Boggs, Francis Lee, Benjamin F. Lee, Richard Mitchell, Levi Burdsall, Stephen Murphy, Andrew Heisler, Major Henderson, J. Howard Willetts, Daniel Harris, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and at such places as they or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Cumberland.

Commissioners to open books of subscription to capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two thousand dollars, with the liberty for the said company to increase the same to five thousand dollars; and shall be divided into shares of ten dollars each, and that when one hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Port Elizabeth Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Amount of capital stock.

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 two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments, at such times and such places and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in 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; *provi-*

Instalments.

Proviso.

ded, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided, also*, that the stockholders shall upon request have the right to pay the stock subscribed, except the first instalment, by work or labor upon said road, under such regulations, at such time and upon such notice, by either party, as the directors may determine.

Proviso.

Act, how
made void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within three years from the time of opening 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 their respective subscribers or their representatives, in proportion to the sums paid in by them.

Election of
directors.

5. *And be it enacted*, That when one hundred 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, 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.

Election 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 a resident of the county of Cumberland, who shall hold his office for one year and until another shall be elected, and receive such com-

pensation 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; and 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.

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

Vacancies
how supplied.

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

Annual
Statement.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or five of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting, but that no business of the company shall be transacted at such special meeting, 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

Special
meetings.

company to be exhibited to them by the president and directors.

Company
not to be
dissolved
by failure
to elect.

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

May con-
struct road

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, or any part thereof, from Manumusken station, on the Cape May and Millville railroad, to the village of Port Elizabeth;

Proviso.

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 lands over which the said highway, selected for constructing said turnpike road now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road, and in case said company and any of the owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner shall sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided, also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Width of
road.

12. *And be it enacted*, That the said turnpike road shall not exceed four rods in width, thirty feet of which shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon, and the said company shall make good and sufficient bridges along the line of the 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 upset 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.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of 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 there be any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Cumberland, who shall cause said company to give notice thereof to the persons interested, if known and in this state, and if unknown and out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation faithfully to examine the matter in question, and to make a true report

Proceed-
ings when
company
and owners
cannot
agree.

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 and materials, and make a just and equitable estimate or appraisal of the value of the same, and assessment of damages to be paid by the 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 Cumberland, to remain on record therein, and shall be recorded by the said clerk, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and damages so assessed and of the right of said owner or owners to recover the amount of said valuation with interest and 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 thirty 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 or judge 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,

Gates to be
erected.

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

For every carriage, sleigh or sled drawn by one beast, one cent.

Rates of toll

For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen of calves, sheep or hogs,	one cent.
For every dozen of horses, mules or cattle,	four cents.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that Proviso. nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from any funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called on duty by the laws of this state or the United States.

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

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

recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for
delaying
travellers.

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

Penalty for
obstructing
road,

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

Road and
bridges to
be kept in
repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the said county of Cumberland, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, 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 judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said 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 road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, 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 said 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 of 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 the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or turnpike to be shut; and the toll to be collected as before, and the same fee 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 fee shall be allowed as before prescribed, and paid by the person or persons making the complaint, and in case three of the township committee as aforesaid are not disinterested, then the said judge shall appoint in the same manner as above prescribed, one or more respectable freeholders in the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That if the said road is not commenced within three years, and completed within five years from the passage of this act, then and in that case this act shall be void; and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

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

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

Approved, March 27, 1867.

CHAPTER CCXII.

An act to change the name of "The Union School of the City of Elizabeth."

Corporate
name

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the association organized under the act entitled "An act to incorporate societies for the promotion of learning," and known as "The Union School of the city of Elizabeth," in the county of Union, in this state, shall hereafter be known and distinguished as "The Elizabeth Institute," and by that name shall be deemed a body politic and corporate, possessing the same rights, powers and privileges as heretofore.

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

Approved, March 27, 1867.

CHAPTER CCXIII.

An act to facilitate Judicial Proceedings in the county of Mercer.

Clerk of the
grand juries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judge of the court of oyer and terminer and general jail delivery of the county of Mercer, shall nominate and appoint, under his hand and the seal of the said court, an officer who shall be called the clerk of the grand juries, and shall hold his office for the term of one year, unless sooner removed by said judge, which he is empowered to do at his pleasure.

Oath to be
taken.

2. *And be it enacted*, That such clerk of the grand juries shall, at each term of the courts of said county, and before entering upon the duties of his office, be duly sworn in open court, well and faithfully to execute the duties of his said office, and to keep secret the counsel of the state, the grand jury and his own, as such clerk thereof.

General
duties.

3. *And be it enacted*, That the duties of the said clerk of the grand juries shall be as follows: to obtain and receive

from the justices of the peace and coroners of the 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 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 jail of said county from those which relate to persons at large; to cause subpoenas to be issued, under the direction of the prosecutor of the pleas of the said county 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 grand jury to issue subpoenas in like manner from time to time, to aid the grand jury in forwarding their business and in the examination of witnesses, and to write down 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.

4. *And be it enacted*, That the said clerk of the grand juries shall receive for his compensation at the rate of one hundred dollars per annum, to be paid by the collector of the said county. Compensation.

5. *And be it enacted*, That it shall be the duty of the justices of the peace of the said county to deliver to the said clerk of the grand juries at least seven days before each session of the court of the said county, all complaints, examinations, informations and recognizances before them had or taken and then remaining; and if any justice of the peace shall neglect or refuse so to do, he shall for every such neglect or refusal forfeit and pay to and for the use of the said county one hundred dollars, to be sued for in an action of debt by the chosen freeholders of the said county. Duties of justice of the peace.

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

Approved March 27, 1867.

CHAPTER CCXIV.

Supplement to an act entitled "An act to create a new township in Ocean county," New Jersey, approved April sixth, eighteen hundred and sixty-five.

Cattle,
horses, &c.,
found run-
ning at
large to be
impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the said township of Manchester, to drive or convey to any public pound which may be in the said township aforesaid, any cattle, horses, mules, swine, goats or sheep found running at large in the public highways or elsewhere, within the aforesaid bounds, and impound the same; and the keeper or keepers of any public pound in said township is, and are hereby required and authorized to receive such cattle, horses, mules, swine, goats and sheep, and the party (or the pound keeper, if the duty be performed by him) shall receive twenty cents per head for impounding each head of cattle, horses, mules and swine, ten cents for each goat and five cents for each sheep; and the pound keeper shall have also twenty cents per head for every head of cattle, horses, mules and swine, ten cents for every goat, and five cents for every sheep, for letting into the pound, and shall have the same fees also per head on cattle, horses, mules, swine, sheep and goats for letting out of the pound; and for feeding and attending, fifteen cents per head for cattle, horses, mules and swine, and ten cents per head for goats and sheep for every twenty-four hours or fractional part thereof they shall continue in said pound; and if the owner or owners of said cattle, horses, mules, swine, sheep and goats so impounded, shall not pay the charges of impounding and keeping, within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the pound keeper to set up advertisements in five of the most public places in said township, describing said cattle, horses, mules, swine, sheep and goats, and giving at least ten days notice of an intended day and place of sale, and if the owner or owners of said cattle, horses, mules, swine, sheep and goats, do not appear and redeem the said beasts before the time so notified, the said pound keeper shall sell the same accordingly to the highest responsible bidder present, and out of the money so arising

Duties of
pound
keeper.

from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding said cattle, horses, mules, swine, sheep and goats, and twenty-five cents for advertising sale, and collecting the money for each head of cattle, horses, mules and swine, ten cents for each goat and five cents for each sheep, and return the overplus to the owner or owners of the beasts if they shall appear to claim the same, and if no owner or owners shall appear and claim such overplus within six months after such sale, the same shall be paid to the collector of taxes of said township, by him to be held and accounted for as a part of the funds of said township.

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

Approved March 27, 1867.

CHAPTER CCXV.

An act to incorporate the Madison Educational Institute.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George Pomeroy, Joseph C. Potts, William Gray, Jeremiah Baker, J. K. Hoyt, Hugh A. Toler, and Alfred M. Tredwell, their associates and successors shall be and they are hereby constituted a body politic and corporate by the name of "The Madison Educational Institute" located at Madison, Morris county, in this state. Names of
corporators

2. *And be it enacted*, That the object of the said corporation is hereby defined to be the advancement of education. Object.

3. *And be it enacted*, That the corporate powers hereby granted shall be, and hereby are vested in a board of seven trustees, a majority of whom shall always be citizens of this state, residing in the said county of Morris, and four shall constitute a quorum for the transaction of any business of the corporation. Trustees.

4. *And be it enacted*, That the persons named in the first section of this act shall constitute the first board of trustees, and said board shall have power to fill vacancies that may from time to time occur in their own number, to elect their own officers, and transact the business of the corporation. First
trustees.

in accordance with the constitution and by-laws of the institute, and shall remain in office until the first Monday evening in April, and until their successors shall be chosen.

May hold
real estate.

5. *And be it enacted*, That for the purpose of carrying into effect the object of this act, the said corporation shall have power, from time to time, to purchase, take and hold real and personal estate, and to lease, mortgage and dispose of the same; *provided*, the value shall not exceed the sum of thirty thousand dollars.

Proviso.

Amount of
capital
stock.

6. *And be it enacted*, That the capital stock shall be fifteen thousand dollars, with the privilege of increasing the same to thirty thousand dollars, divided into shares of one hundred dollars each, transferable only upon the books of the corporation, and each share shall entitle the owner to one vote, in person or by proxy, both in the business meetings of the stockholders and in the election of officers.

Annual
meeting of
stock-
holders.

7. *And be it enacted*, That the stockholders shall meet on the first Monday evening in April, annually, at such hour and place as the trustees or the by-laws shall appoint, for the election of a board of trustees; and may at any time make and adopt such constitution, by-laws, rules and regulations as shall be in accordance with this act, and not contrary to the laws of this state or of the United States.

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

Approved March, 27, 1867.

CHAPTER CCXVI.

An act to incorporate the Army and Navy Veteran Association of the City of Paterson.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Buckley, Isaac Van Houten, Henry Ridgway, James H. Demarest, John T. Hilton, and all persons who now are and hereafter shall become members of the Army and Navy Veteran Association of the city of Paterson be, and they are hereby declared to be a body corporate and politic in fact and in law, by the name of the Army and Navy Veteran Association of the city of

Paterson, and by such name they shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements, touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of said association shall not exceed the sum of fifty thousand dollars, which shall be applied to the purchase of real estate for the erection of buildings for the use of said association, and to such other incidental expenses as shall to the said association appear best calculated to secure the interests of its members. Amount of capital stock.

3. *And be it enacted*, That the said association shall elect annually a president out of their own body, and such other officers 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 association, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to the said association. Officers.

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

Approved March 27, 1867.

CHAPTER CCXVII.

Supplement to an act entitled "An act to ratify the bonds or other evidences of indebtedness heretofore issued, or hereafter to be issued, by the board of chosen freeholders of the county of Essex, in this state, for war purposes, and

to provide for the payment thereof," approved February twenty-eighth, eighteen hundred and sixty-five.

Poll tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poll tax hereafter to be assessed and collected in the county of Essex, under the fourth section of the act to which this is a supplement, shall be three dollars instead of five dollars.

Commissioners of the sinking fund.

2. *And be it enacted*, That the director of the board of chosen freeholders of the county of Essex shall, at the annual stated meeting of said board of chosen freeholders in each year, or as soon thereafter as possible, appoint five members of said board, of whom the director for the time being shall ex-officio be one, as commissioners to be styled "Commissioners of the Sinking Fund," and that said commissioners be and they are hereby authorized and empowered from time to time, at their discretion, to draw on the collector of said county for any and all moneys in his hands now collected, or that may hereafter be collected, for the payment of any bonds, scrip or other evidences of indebtedness issued by said board of chosen freeholders of Essex county for war purposes, under the authority of the legislature of this state, and apply said money to the purchasing and redeeming said bonds, scrip or other evidences of indebtedness, at the best advantage for the said county of Essex, although the same may not then be due and payable; *provided*, said commissioners shall in no case pay for said bonds, scrip or other evidences of indebtedness more than their par value.

Proviso.

Commissioners authorized to purchase state bonds, &c.

3. *And be it enacted*, That in case said bonds or scrip cannot be purchased by said commissioners, at a sum not exceeding their par value, it shall and may be lawful for said commissioners, or a majority of them, at their discretion, to invest the said money so collected as aforesaid in United States securities, or in the bonds of the state of New Jersey, for the use of said county, and keep the same so invested, together with such investments, until such times as the bonds or scrip issued by said county as aforesaid shall become due and payable, or can be purchased by said commissioners at a sum not exceeding their par value.

Reports to be made.

4. *And be it enacted*, That said commissioners of the sinking fund shall from time to time, as the said board of chosen freeholders may direct, make full and detailed reports to said board of the bonds, scrip or other evidences of indebtedness

of said county so purchased and redeemed by said commissioners as aforesaid, and the amount of money expended by them for the same, or invested by them in United States securities or bonds of the state of New Jersey.

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

Approved March 27, 1867.

CHAPTER CCXVIII.

A supplement to an act entitled "An act to facilitate judicial proceedings in the county of Essex."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person shall be charged upon oath before any justice or police justice, in the county of Essex, with any offence now triable by law before the court of general quarter sessions of the peace, and such person shall in writing signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury and request to be tried immediately, it shall be the duty of said prosecutor, unless he and the presiding judge of the common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the presiding judge of the court of common pleas of said county, constituted by the act to which this act is a supplement for the immediate trial of said person, and said presiding judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least two other judges of said court, to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he shall be forthwith discharged, if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine as shall be authorized by law, in case such person has been duly indicted and convicted, and it shall be the duty of said prosecutor (in

Court of special quarter sessions to be called in certain cases.

person or by deputy) to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpoenaing of witnesses and the costs of such proceedings, shall be in conformity with law, and especially the proceedings of the thirty-fourth and thirty-fifth sections of the act entitled, "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six, and the costs now taxable thereunder, and said costs if not paid by the party convicted shall be paid by the board of chosen freeholders, as in proceedings under said sections; *provided*, that no person charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law; *and provided further*, that if any person arraigned for trial before said court under this act, shall be or profess to be, ignorant of the English language, it shall be the duty of said court to cause the writing by such person signed, and the nature of the proceedings to be interpreted and explained to such person, and not to proceed with said trial unless such writing shall be by such person thereupon again signed.

Provide.

Provide.

Fees.

2. *And be it enacted*, That ten dollars shall be taxed for said prosecutor's attendance at coroner's inquests, and in each case disposed of under this act, as part of the costs aforesaid where a conviction of any person accused shall be had by a plea or otherwise.

Prosecutor
may employ
assistants.

3. *And be it enacted*, That it shall be lawful for said prosecutor to employ such assistants or deputies in the discharge of his duties, to be by him alone compensated and directed, as he shall deem necessary, subject to the approval of the court of oyer and terminer for said county as to the person or persons by him selected therefor.

Clerk.

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

officers attending said court, and in all other things pertaining to the office as heretofore.

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

Approved March 27, 1867.

CHAPTER CCXIX.

Supplement to an act entitled "An act for the settlement and relief of the poor", approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all appeals to be made to the court of general quarter sessions of the peace, to be holden for any county within this state, against judgments or orders given or made by any justices of the peace for the removal of any pauper or paupers, such courts shall cause any defect or defects of substance as well as of form that shall be found in any such original judgments or orders, or in any proceedings connected therewith, to be rectified and amended upon such terms as may be deemed reasonable and just; *provided*, it shall be made to appear by affidavits, or other satisfactory proof, that such amendments are warranted by the facts of the case, and after such amendments made, to proceed to hear and determine said appeals on the merits of the case; and in case said original judgments, orders or proceedings, shall be removed into the supreme court, either before or after an appeal therefrom, it shall be the duty of said supreme court to make all such amendments, in matters of substance, as may be shown, in manner aforesaid to be warranted by the facts of the case.

Court of -
sessions to
rectify and
amend on
appeals.

Proviso.

Approved, March 27, 1867.

CHAPTER CCXX.

An act to authorize the appointment of a Trustee to sell certain real estate, which by the will of Abraham Ackerman, deceased, was directed to be sold by the Executors therein named.

Preamble.

WHEREAS, Abraham Ackerman, late of the township of Acquackanonk in the county of Passaic, and state of New Jersey, in and by his last will and testament, bearing date the twenty-seventh day of December, eighteen hundred and twenty-seven, did among other things therein contained, give and devise to his wife Jane certain real estate therein described, situate in the said township of Acquackanonk, to have and to hold the same as long as she should remain his widow, and after she should cease to be his widow, did order his executors therein named, and the survivors or survivor of them to sell the said real estate so given to his said wife, and did direct the proceeds thereof to be equally divided between the persons in such will named, their respective heirs, executors, administrators and assigns; *and whereas*, the said Abraham Ackerman did appoint Reverend Peter D. Fraeleigh and Elias Van Arsdale, of the county of Essex, and Peter Embury, of the city of New York, executors of said will, who proved the same and took upon themselves the burthen of the execution thereof, and completed their said trust, except as to the real estate so given to the testator's widow; *and whereas*, the survivor of the said executors departed this life before the said Jane, who died a few years ago, and it is believed that by the reason of the death of all of the said executors no person or persons can lawfully execute the said order and direction in said will as to the sale of the said real estate, and it is desired by those entitled to the distribution of the proceeds of the sale thereof, that the same should be sold; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor may, upon the application by petition, of any one or more of those entitled to a share or shares of the distributive proceeds of the sale of said real estate, appoint a trustee with full power and authority to sell the real estate, which in and by the will of said

Chancellor
may upon
petition ap-
point
trustee.

Abraham Ackerman, was given to his wife Jane, during her widowhood, at public sale, giving public notice of the time and place of such sale, and in all respects to conduct the same according to the provisions of an act entitled "An act to regulate sales of real estate made under a public statute or the direction of a court," and when sold, to make, execute and deliver in his own name, as trustee, good and sufficient deed or deeds for the same as fully as the executors named in said will might or could have done were they, or either of them living.

2. *And be it enacted*, That the proceeds of the sale of the said real estate, after deducting therefrom all costs, charges, expenses and allowances, shall be by said trustee paid to and distributed between the several persons, who under said will are entitled to receive the same, or to their heirs, executors, administrators or assigns, in the proportion to which they shall be respectively entitled, if known to said trustee and if not known to him, then such share or shares, as the case may be, shall be by said trustee paid into the court of chancery, to abide such order as said court may make in reference thereto; and the said trustee shall make full report to the chancellor of his proceedings, pursuant to his said appointment.

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

Approved, March 27, 1867.

CHAPTER CCXXI.

An act to incorporate the Boudinot Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Earle, Henry Stimson, Wm. Pennington, E. Boudinot Colt, E. J. C. Atterbury, and such other persons as may hereafter be associated with them, shall be and are hereby declared to be a body corporate and politic in fact and in name, by the style and title of "The Boudinot Manufacturing Company," and shall be capable of instituting, conducting and defending suits and actions at law and in equity in all respects as natural persons; and that

they may manufacture all manner of goods out of cotton and other fibrous materials, and may buy and sell such goods, and all the materials and articles needed in the business authorized by this act, and buy or lease and hold such real estate and property as the necessities of the said business shall require, and may dispose of the same by sale, loan or mortgage at their pleasure.

Place of
business.

2. *And be it enacted*, That the said company shall locate their works and principal office, at such place in the county of Passaic as they shall deem best.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and that the same may be increased from time to time by the order of the board of directors, but shall at no time exceed three hundred thousand dollars; that said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property.

Commis-
sioners to
receive sub-
scriptions
to stock.

4. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock, at such times and places in the city of Paterson as a majority of them shall appoint, giving ten days' previous notice to that effect in one or more of the newspapers published in said city, and when one hundred shares of said stock shall be subscribed for, and ten dollars on each of such share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing the company, and when the company is organized said commissioners shall deliver to the president of the company all money, books and papers in their hands as such commissioners.

Board of
directors.

5. *And be it enacted*, That the business of said company shall be managed by a board of directors, constituting not less than three, nor more than seven persons, all of whom shall be stockholders; that said board may elect from their number a president and may also appoint such subordinate officers superintendents and agents as they may deem necessary; that said directors and their president shall hold their office for one year, and until others are elected in their stead, and that elections for directors shall be held at such time and place, and upon such notice as the by-laws of the company shall provide.

Install-
ments.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company; to call in all instalments or stock subscribed for,

in such amounts and at such times as they may direct, giving to each subscriber twenty days' notice thereof, either personally or by publication in one or more of the newspapers published in the city of Paterson; and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon.

7. *And be it enacted*, That the said company shall have power to issue stock in payment or in exchange for any goods, wares and merchandise, or for any lands, estate or lease hold property therein, required to be used for, and in the conducting of the business of the said company; and that the stock of the said company shall be transferable in such manner as said by-laws shall direct, and no transfer shall be valid until the same is duly entered in the books of the company, and that no dividends shall be declared except out of the net profits of the company. May issue stock, &c.

8. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, three times in each week during said period; *provided*, three-fourths in value of the stockholders be present, or represented therein, and upon such dissolution the directors for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company, and paying its debts and dividing the surplus among the stockholders, according to their respective interests therein. How dissolved. Proviso.

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

Approved March 27, 1867.

CHAPTER CCXXII.

An act to incorporate The Holmes Gold Company of Montana.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Thomas A. Holmes; Samuel Prior,

Names of corporators Samuel K. Wilson, Gregory A. Perdicaris, Edwin A. C. Hatch, and Thomas J. Stryker, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Holmes Gold Company of Montana," for the purpose of mining gold silver or other ores and minerals, in the territory of Montana or elsewhere, and of selling and disposing of the same, and of transacting all business necessary or expedient to be connected therewith; and that the principal office of the said corporation, shall be in the county of Mercer in this state.

May hold real estate.

2. *And be it enacted*, That for the purposes aforesaid, the said corporation shall have the right to purchase, hold, possess and enjoy such real and personal estate in the territory of Montana, or elsewhere as they may deem necessary, and of leasing, mortgaging or disposing of the same.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall consist of thirty thousand dollars to be divided into shares of fifty dollars each, and that the said corporation have the privilege of increasing the capital stock to two hundred thousand dollars.

First directors.

4. *And be it enacted*, That the business of the said corporation shall be managed and conducted by not less than three nor more than seven directors, all of whom shall be stockholders and one of whom shall be president, and that the persons named in the first section of this act shall be the first directors of said corporation, and shall hold their offices for one year and until their successors be elected; and every year thereafter at such time and place as the by-laws of the said corporation shall appoint, an election for directors shall be held at which every stockholder shall be entitled to one vote, either in person or by proxy, for every share of the stock which he may own, and the directors shall hold office for one year and until their successors shall be elected; and in case a vacancy shall occur in such board of directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

Not to be dissolved for failure to elect.

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

election on such other day as the directors of the said corporation shall direct.

6. *And be it enacted*, That the directors of the said corporation shall have power to make such by-laws, ordinances and regulations as they may deem necessary for the government of the said corporation; *provided*, the same be not contrary to the laws of the United States or of this state. May make by-laws. Proviso.

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

8. *And be it enacted* That this act shall continue in force for thirty years, and shall take effect immediately, and that it shall possess the general powers and be subject to the restrictions and liabilities set forth in an act entitled "An act concerning corporations," approved February, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable. Restrictions and liabilities.

Approved, March 27, 1867.

CHAPTER CCXXIII.

An act to incorporate the Cape May County Soldier's Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Smith, Jonathan T. Stevens, Christopher S. Magrath, James T. Smith, Enos R. Williams, S. R. Magonagle, Thomas S. Stevens, Walter A. Barrows, Livingston Ewing, Levi Johnson, Philip Hand, Jr., and their associates, members of the Cape May County Soldier's Union, and their successors be, and they are hereby declared to be a body politic and corporate in law, by the name, style and title of Cape May County Soldier's Union, Names of corporators

and by that name they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, and to have full power to collect any debts now due and owing, or which may become due and owing to said association in any court of law and equity or elsewhere.

May hold
real estate.

2. *And be it enacted*, That the said corporation shall and may at all times hereafter be capable of having, holding, purchasing and possessing any lands, tenements, hereditaments, and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

Officers.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a president, vice president, secretary, treasurer, and three trustees, who shall be elected annually, at such time and in such manner as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

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

Approved, March 27, 1867.

CHAPTER CCXXIV.

An act to incorporate the Workingmen's Co-operative Association of Newark.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Augustus Coleman, Frederick S. Piper, John Middleton, Jacob H. Mandeville, Charles Robshaw, David M. Harris, Charles B. Brown, John Pilkington, William H. Goble, Thomas Pilkington, William Lines and George W. Tompkins, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Workingmen's Co-operative Association of Newark and vicinity," for the purpose of carrying on the

trade or trades of general and retail dealers, producers and manufacturers, in order to enable its members to purchase food, fuel, clothing and other necessities on the most favorable terms, and for that purpose may hold such real estate as may be needful to carry on said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

2. *And be it enacted*, That the capital stock of the company shall be two thousand dollars, divided into shares of ten dollars each; and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock, in such place in the city of Newark as a majority of them may appoint, giving at least five days' notice in at least one of the newspapers published in said city; and as soon as the whole of said stock is subscribed, the said commissioners shall by a like notice call the first meeting of stockholders for the purpose of organizing said company.

Amount of
capital
stock.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Essex, and managed by not less than nine nor more than twelve directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote.

Place of
business.

4. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government, not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require.

Power of
directors.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and shall be transferred in such manner as the by-laws may prescribe, but no dividends shall at any time be made to the stockholders except from the net profits of the company.

Stock trans-
ferable.

6. *And be it enacted*, That the said corporation may from time to time increase the said capital to any sum not exceeding fifty thousand dollars, giving ten days notice of their intention so to do, in two of the newspapers printed in Newark.

Capital may
be increas-
ed.

7. *And be it enacted*, That regular books of account shall

Books of
account to
be kept.

be kept in the office of said company, in the city of Newark, to which books every stockholder shall have free access at all reasonable times for the purposes of inspection.

Restric-
tions and
liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved March 27, 1867.

CHAPTER CCXXV.

An act to authorize the city of Elizabeth to issue city bonds in aid of the improvement and enlargement of the water works in said city.

May issue
bonds to the
amount of
twenty-five
thousand
dollars.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the city of Elizabeth is hereby authorized and empowered to issue the corporate bonds of said city to the aggregate amount of twenty-five thousand dollars, in sums not exceeding one thousand dollars each, bearing date the first day of July, one thousand eight hundred and sixty-six, and bearing interest from that date at the rate of seven per centum per annum, payable semi-annually; eight thousand dollars of the principal thereof to be payable ten years from the date thereof; the further sum of eight thousand dollars of the principal thereof to be payable in fifteen years from the date thereof, and the remaining nine thousand dollars of the principal thereof to be payable in twenty years from the date thereof.

City may
loan its
bonds.

2. *And be it enacted*, That the city of Elizabeth is hereby authorized and empowered to loan the said bonds at the par value thereof to the Elizabethtown Water Company, to aid the said water company in the enlargement and improvement of the water works of said company, upon said water company securing the payment to the city of Elizabeth the principal sum and interest upon said bonds according to the

condition and tenor thereof at the respective time therein mentioned, by mortgage or other proper security or lien upon the water works, pipes, machinery, and land of the said water company in said city, including the enlargement, extensions and improvements of said works to be erected and constructed by said company.

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

Approved, March 27, 1867.

CHAPTER CCXXVI.

A supplement to an act entitled "An act to authorize the inhabitants of the town of Lambertville, in the county of Hunterdon, to raise bounty money, and to legalize the acts of the said town," approved February twenty-fourth, eighteen hundred and sixty-five.

WHEREAS, the inhabitants of the town of Lambertville aforesaid, at their annual town meeting held in April, eighteen hundred and sixty-five, did unanimously authorize their town counsel to assess and collect the taxes necessary for that year, for said town, in two instalments, one instalment at the usual time of assessing and collecting their taxes, and the other instalment in the month of March next thereafter; *and whereas*, a few persons so as aforesaid assessed have refused to pay said assessments, now therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said assessments referred to in the preamble of this act, be and the same are legalized and made valid, and the collector to whom said tax duplicate was delivered, proceed thereon immediately after the passage of this act, to collect the said taxes, in the same manner as if a new duplicate had been presented to him therefor.

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

Approved March 27, 1867.

CHAPTER CCXXVII.

A supplement to an act entitled "An act for incorporating Trustees of Trenton Lodge No. V." approved December twenty-four, eighteen hundred and twenty-six.

Preamble.

WHEREAS, one Mark Thompson, by deed under his hand and seal duly executed, bearing date on the seventh day of April, in the year of our Lord one thousand seven hundred and ninety-two, and recorded in Volume 6, of Deeds page 459, in the clerk's office of the county of Hunterdon, in the state of New Jersey, did grant and convey unto Robert L. Hooper, Maskell Ewing, Samuel W. Stockton, Aaron Dunham, and Joseph Bloomfield, "one certain lot of land situate in Trenton, and is bounded as follows: beginning at a stone for a corner on the east side of an alley between the Barrack lot and the said Mark Thompson's lot to Delaware river, being a twenty feet alley; thence along the south side of the lower street, south-east sixty-eight degrees fifty feet to a stone for a corner; thence southwest twenty-one degrees, thirty minutes, thirty feet, to a stone for a corner; thence northwest sixty-eight degrees fifty feet, to a stone, being a line of the said alley; thence to the place of beginning, containing fifteen hundred square feet, be the same more or less," upon certain trusts for the benefit of said Lodge therein expressed; that is to say, that the said Robert L. Hooper, Maskell Ewing, Samuel W. Stockton, Aaron Dunham and Joseph Bloomfield and their successors in office, and the brethren of the said Lodge, forever, should have and hold the said premises, and that from and after the death of any two or more of the said parties last above mentioned, that the survivors, or any two or more of them, should grant and convey the same premises, with the appurtenances, to such other two or more persons as should be nominated and appointed, under the seal of the Lodge, to receive a conveyance of the same, and in like manner, that the last survivor should, in all such like cases, grant and convey the said premises agreeably to the nomination and appointment under the seal of said Lodge; and if it should so happen, that the last survivor should die without executing such conveyance that then the heir or legal representative or

representatives should grant and convey to such other five persons as might be nominated and appointed in the manner aforesaid, and also upon this further trust, that if at any time thereafter, a majority of the said lodge, (the master and wardens of the same being present) should think proper to sell and dispose of the said premises, with the appurtenances, for the benefit of said Lodge, that then the said parties last above mentioned, or the trustees for the time being, were empowered and directed to grant and convey the same, and to make and execute a conveyance or conveyances accordingly; *and whereas*, the said grantees mentioned above in said deed, have all deceased without making the conveyance specified therein, and the methods for vesting the legal title in said premises in said Lodge have not and cannot be strictly complied with; *and whereas*, since the date of said deed, the said Lodge has been in the undisturbed possession of said premises above described; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said lot of land above described shall vest absolutely in fee simple in and become the property of the said "The Trustees of Trenton Lodge No. V," and the said "The Trustees of Trenton Lodge No. V," are hereby vested with full power to enjoy, possess, sell and convey the said lot of land and premises for the benefit of said Lodge. Title made valid.

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

Approved, March 27, 1867.

CHAPTER CCXXVIII.

An act to incorporate South Trenton Lodge, number thirty-six, of the Independent Order of Odd Fellows, of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Barber, Wilson Skelton, Robert W. Mull, John Crawford, Isaac C. Gearhart, Edward Hayes, William Wood and Charles Button, and their associates, officers and members of South Trenton Lodge, Num- Names of corporators

ber thirty-six, of the Independent Order of Odd Fellows, of the State of New Jersey," and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style, and title of "South Trenton Lodge, Number thirty-six, of the Independent Order of Odd Fellows of the State of New Jersey," and by that name, they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements and hereditaments and personal estate, purchased, devised, or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal, and the same to use at pleasure; *provided always*, that the said corporation or body politic, shall not, at any time hold or possess property, real, personal or mixed, exceeding in value the sum of five thousand dollars.

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

Approved March 27, 1867.

CHAPTER CCXXIX.

An act to incorporate the Toms River and Forked River Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amos P. Stanton, George W. Cowperthwait, David S. Parker, Amos Falkinburgh, David S. Williams, Garret Stout, senior, George W. Giberson, Cornelius Cowdrick, Thomas Hooper, Samuel Beatty, Reuben Potter, Edward M. Lonan, Henry E. Lawrence, William Jeffrey, Isaac Allen, and such other persons as may be hereafter associated with them shall be and are hereby constituted a body politic and corporate in law by the name of "The Toms River and Forked River Turnpike Company."

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with authority in the said company to increase the same to any amount not exceeding thirty thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed

personal estate and transferable in such manner as the by-laws of the said corporation shall direct.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them shall be commissioners to receive subscriptions for the capital stock of said corporation and are authorized at such time or times and places in the county of Ocean as they shall appoint, giving at least twenty days' notice thereof in a public newspaper printed and published in said county, and a majority of said commissioners being in attendance to open books for the reception of such subscription, and at the time of subscribing two dollars and fifty cents on each share of said stock shall be paid to said commissioners, and the residue shall be paid as is hereinafter directed. Commissioners to receive subscriptions to capital stock.

4. *And be it enacted*, That whenever four hundred shares of said stock shall be subscribed, and one thousand dollars paid in as hereinbefore directed, the said commissioners, or a majority of them, shall give notice as above directed for a meeting of the stockholders for the purpose of electing directors and organizing said company, of which election the said commissioners or a majority of them, shall be the judges, and the said stockholders, when so met, shall elect by ballot from among their number nine directors who shall be citizens of this state, and shall hold their offices one year and until others are elected, and each stockholder at such election and at all other elections shall have one vote for each share of stock owned by him at the time of such election, and may vote by proxy, duly authorized at any election. Election of directors.

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and have power to call in the remainder of said capital stock by instalments not exceeding two dollars and fifty cents each, giving thirty days' notice thereof in an Ocean county newspaper, and any stockholder neglecting or refusing to pay such instalment for ten days after the same is due, shall forfeit his stock and all payments thereon. Installments.

6. *And be it enacted*, That when said board of directors are elected, said commissioners shall deliver to them or such person or persons as they shall appoint, all books and papers belonging to said corporation, and all moneys received by them on subscriptions to capital stock, deducting expenses incurred for books, printing and necessary expenditures, and two dollars for each day they have been employed in the duties pertaining to their appointment, and said directors Election of directors to be made annually.

and their successors shall annually thereafter cause an election for directors to be held at a time and place to be specified in the by-laws of said corporation, but said corporation shall not be dissolved by reason of a failure to elect officers on any prescribed day, and the incumbents shall hold over until their successors are appointed, which may be done at any other time.

Officers.

7. *And be it enacted*, That said directors shall elect from their own body or from the stockholders, a president, who shall reside in Ocean county, a secretary and a treasurer, who shall hold their offices one year, and also such subordinate officers and agents as the business of said corporation may require, fix the compensation of all officers and agents, and make by-laws for the government of said corporation not inconsistent with the laws of the United States, or of the state of New Jersey.

May construct road.

8. *And be it enacted*, That said president and directors are hereby invested with all rights and powers necessary or expedient to survey, lay out and construct a turnpike road, to commence at or near the village of Toms River, in the township of Dover, in the county of Ocean, and extend by Quail Run, Dover Chapel, Potter's Creek, Cedar Creek and Good Luck, to the village of Forked River, in the township of Union in said county, which shall be at least thirty-two feet and not more than fifty feet in width, sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof 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 at least twelve feet six inches thereof in width, so graded as not to rise above an angle of six degrees with the plane of the horizon, and the said company shall construct and keep in repair good and sufficient bridges on the line of said road, not less than twenty feet in width, and whenever said road is or shall be raised so much at the margin thereof as to render carriages passing thereon liable to upset, said company shall cause sufficient railing to be erected and maintained on the side to prevent horses and carriages from running off.

Construction of road

9. *And be it enacted*, That it shall be lawful for said company to locate and construct the said turnpike road on any of the public highways between the commencement and termination thereof, provided by due proof to the satisfaction of the inferior court of common pleas of Ocean, on ap-

plication on behalf of said company, it be shown that a majority of the voters of any township in which such highways are, and three-fourths of the land owners adjoining any of said highways in said township, have by their signatures approved the same; and when such due proof is so produced the said court shall cause an adjudication thereof to be entered in the minutes of the court.

10. *And be it enacted*, That when such adjudication shall be made and entered, it shall be lawful for said company, by its officers, agents and employees to enter upon, take possession of, hold, use, occupy, and excavate said highway within such township so approving the same, and to erect embankments and bridges, and do all other things necessary or expedient to carry into full effect the objects of this act, also to open to a width of not exceeding fifty feet any of said highways, in cases where such public highways are of less width than fifty feet, compensating the owner for the land taken to supply the deficiency, or if the company and the owner cannot agree, proceeding according to the provisions of the twelfth section of this act.

11. *And be it enacted*, That it shall be lawful for said president and directors, the officers and employees to enter at any time upon any lands or waters for the purpose of exploring, surveying, levelling and laying out the route of said turnpike road, doing no unnecessary damage to private property, and when the route of said turnpike road or any five consecutive miles thereof, shall have been determined upon and a survey thereof filed in the office of the clerk of the county of Ocean, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, to erect embankments and bridges thereon, and to do all things necessary or expedient to carry into effect the object of this act, also to search for and take sand, gravel, clay, stone, and other material for the construction and use of said road; *provided, always*, that said corporation shall pay or tender payment for all damages for the occupancy and right of way over such lands and sand, gravel, clay, stone, and other materials to be taken before entering or breaking ground in the premises, except for the purpose of surveying said route, unless consent in writing of the owner of said lands be first obtained.

12. *And be it enacted*, That if any of the owners of such required lands or materials, not being part of such public highways, cannot agree with said company as to the amount

Proceed-
ings when
company
and owners
cannot
agree.

of compensation to be paid for such materials or the right of way over such lands, or when by reason of the legal incapacity or absence of such owner or owners, such agreement cannot be made, a particular description of such required lands or materials shall be given in writing, under oath or affirmation, by some proper agent of the company, and also the name or names of the occupants, if any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause said company to give notice thereof to the persons interested, if known and resident in this state, and if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, assigning a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon evidence satisfactory to him of the service or publication of such notice as aforesaid, and after naming the parties if they desire, he shall appoint under his hand and seal, three disinterested freeholders of the county of Ocean, commissioners to examine and appraise said materials or the right of way over said lands, and determine the amount of compensation to be paid for the same, and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some competent officer, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to examine lands or materials, and equitably and justly to appraise the said materials, or the right of way over said lands and fix the compensation to be paid for the same, and said commissioners, or any two of them, shall make a report in writing, under their hands, of the amount of such appraisement and compensation to be paid, which report and the said description of land and materials, the said appraisement and oath of commissioners, shall within ten days thereafter be filed in the office of the clerk of the county of Ocean, to remain of record therein, and the said report or a certified copy thereof, shall be plenary evidence of the right of said company to have, hold, use, occupy and possess the said materials and the right of way over the said lands, and of the right of said owners to recover the amount of such appraisement from said company, in an action of debt with costs of suit if the shares remain unpaid twenty days

after demand paid, and until such amount be paid, it shall constitute a lien upon the property of the company in the nature of a judgment, and the said justice of the supreme court shall tax the costs, fees and expenses of this proceeding, to be paid as he shall think just, and in case of the legal incapacity of such owner or owners the amount of such appraisalment shall be paid to the clerk of the court of chancery for the use of such owner or owners, subject to the order of said court.

13. *And be it enacted*, That either party may appeal from the decision of such commissioners, to the circuit court of the county of Ocean, at the next term thereof after such decision, by proceeding in the form of petition to said court, with five days' notice to the opposite party of such appeal, which court shall have full power and jurisdiction, by the verdict of a jury, if agreed by either party to hear and finally determine the same, and if the amount of such appraisalment be increased the said company shall pay the costs of said appeal, and if the same be decreased, the said owner or owners shall pay said costs, and if need, judgment may be entered in the minutes of said court for the amount of such verdicts and for the costs or either of them.

14. *And be it enacted*, That whenever ten miles of said turnpike road shall be completed, the said company may erect gates and turnpikes across the same and demand and receive for each mile of said completed road traveled, toll at the following rates to wit:

For every carriage, sleigh or sled drawn by one beast, two cents.

For every additional beast, two cents.

For every horse and rider, led horse or mule, two cents.

For every dozen horses, mules or cattle, calves, sheep or hogs, and so in proportion for a greater or less number, ten cents.

And it shall be lawful for any toll-gatherers of said company to stop any vehicle or beast or beasts from passing through any of said gates or turnpikes until toll above specified has been paid for them.

15. *And be it enacted*, That before the said company shall demand or receive toll they shall cause a milestone or post for each mile of said road to be erected and maintained on the side thereof, and on each stone or post shall be fairly and legibly marked on one side the distance from Toms River

Gates to be erected.

Rates of toll

Mile-stones to be erected.

and on the other the distance from Forked River; and shall cause to be affixed and always kept at said gates in some conspicuous place a list of the rates of toll which may lawfully be demanded.

Penalty for
defacing
mile-stones
&c.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of said milestones or posts, or wilfully cut, break down, destroy or deface or otherwise injure any gate, turnpike or bridge belonging to said road, or shall forcibly pass any of the said gates or turnpikes without having paid the legal toll such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages to be recovered by action of debt or other prosecution and costs of suit, by the said company for their use; and if any person shall, with his team, carriage or horse, turn out of said road to pass a gate or turnpike, with intent to avoid the toll due, he shall forfeit and pay ten dollars, to be recovered by said company to their use in an action of debt, with costs of suit.

Penalty for
obstructing
road,

17. *And be it enacted*, That all persons using said road shall keep their horse, horses, carriages, sleighs or sleds of burthen or pleasure on the right hand of said road in the passing directions, leaving the other side of the road free and clear for the carriages or persons on horseback to pass; and if any person or persons shall offend against this provision, such person or persons shall, besides being liable for all damages, forfeit and pay to any person or persons injured or obstructed in his passage five dollars, to be recovered by such person in an action of debt with costs of suit.

Not to be a
public road.

18. *And be it enacted*, That all such parts of any public highway as shall be taken for said turnpike road by virtue of this act shall cease to be a public highway so long as the same shall be used for said turnpike road.

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

Approved, March 27, 1867.

CHAPTER CCXXX.

An act to incorporate the Hunterdon Pressed Brick Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James R. Garrigues, Louis K. Frazer, Edward M. Satterthwait, and Joseph J. Frazer and Corporate name. such other persons as may be hereafter associated with them, shall be and they are hereby made, constituted and declared a corporation and body politic in fact and in law, by the name of "The Hunterdon Pressed Brick Company," for the purpose of manufacturing, selling and disposing of all kinds of brick and for the transaction of any other business properly connected therewith, and by such name may purchase, hold and enjoy all such lands, tenements and hereditaments, and all such engines, machinery and personal property as may be necessary or proper for conducting said business, and the same to sell, convey, mortgage, lease or otherwise dispose of at pleasure; and that their principal office shall be at Lambertville, in the county of Hunterdon.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, to be divided into Amount of capital stock. shares of fifty dollars each, and that the said company have the privilege of increasing the capital stock to fifty thousand dollars.

3. *And be it enacted*, That the business of the said company shall be managed by not less than three nor more than First directors. five directors, all of whom shall be stockholders, and one of whom shall be president, and the persons named in the first section of this act shall be the first directors and shall hold their offices for one year and until others are elected in their stead, and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election for directors shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own; and if a vacancy shall occur in such board of directors by death, resignation or otherwise, the remaining directors may fill such vacancy by the appointment of any stockholder.

4. *And be it enacted*, That the directors of said company Directors may make by-laws. shall have power to make by-laws for its government not in-

consistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require.

Company
not to be
dissolved
by failure
to elect.

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

How dis-
solved.

Proviso.

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

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

Approved, March 27, 1867.

CHAPTER CCXXXI.

An act respecting the assignment of sealed instruments.

Valid with-
out seal.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the assignment of any sealed instrument, by writing not under seal, made or to be made, shall be as valid and effectual, both at law and in equity, as if made by writing under seal.

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

Approved March 27, 1867.

CHAPTER CCXXXII.

A supplement to an act entitled "An act to incorporate the East Trenton Crockery and Kaolin Company," approved March twenty-ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation created by the act to which this is a supplement be changed to the name of "The American Crockery Company." Corporate name.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not passed, and that this act shall take effect immediately. Legal rights

Approved, March 27, 1867.

CHAPTER CCXXXIII.

An act to incorporate the Machinists and Blacksmiths Co-operative and Benevolent Association of the City of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander S. Kelton, David Oldham, Henry Close, William H. Hardman, Thomas Brownley, Columbus Force, Henry L. Reed, Cornelius Bracelin, William H. Wood and Cornelius McKieman, their successors and associates, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Machinists and Blacksmiths Co-operative and Benevolent Association of the city of Paterson," and by that name, they and their successors, shall and may, at all times hereafter, be capable in law, of having, purchasing, holding and possessing any lands, tenements and hereditaments or personal estate, purchased, devised or bequeathed by any person or persons, body politic or corporate, capable of making the same, and also to have a common seal, and use and change the same at pleasure; *provided always*, that the said corporation shall not at any time hold or possess Names of corporators
Provido.

property, real, personal or mixed, exceeding in value the sum of fifty thousand dollars.

Object.

2. *And be it enacted*, That the object and purpose of this association shall be to create and establish a permanent fund to be used for the relief and assistance of such of its members as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, by providing for them either partial or entire support, according to their necessities, and for the purposes of mutual benefit, protection and advantage.

Officers.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in such officers, to be elected at such time, and in such manner, as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

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

Approved, March 27, 1867

CHAPTER CCXXXIV.

An act to incorporate the National Patent Rectifying Company.

Preamble.

WHEREAS, the National Patent Rectifying Company has been heretofore incorporated under the general laws of this state for the purposes hereinafter described; *and whereas*, the business and transactions of said company are intended to be carried on in other states of the United States, and in foreign countries as well as in this state, and therefore some of the requirements of the general laws under which said company is incorporated, will cause an unnecessary inconvenience and expense to said company; therefore,

Corporate name.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said the National Patent Rectifying Company, be and the same is hereby continued and declared a body corporate and politic, in fact and in law, by the corporate name of "The National Patent Rectifying Company," with the powers and subject to limitations

and restrictions only as herein provided, for the purposes of distilling, decolorizing, deodorizing and rectifying liquids under such patents of the United States, or other countries as they now possess, or may hereafter acquire, or by any other processes now in use, or hereafter to come into use, which it may have the right to employ, and of granting licenses to use and work under such patents, and of receiving royalties and other payments in money or otherwise thereon, in any portion of the United States or other countries; and as such corporation the said company shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging and conveying lands and tenements, goods and chattels necessary or proper for the objects of said corporation, and their principal office shall be in Jersey City.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, consisting of three thousand shares of one hundred dollars each, as heretofore issued; it shall be competent for said company to devote one-half of said stock full paid to the payment of the price of patents heretofore conveyed to it; and to issue the remaining one-half of said stock to subscribers, subject to the payment of cash instalments up to its par value, payable as the board of directors shall require, or as two-thirds of the stockholders in interest shall at any time direct; the whole amount of its par value to be paid in any event on or before May third, eighteen hundred and sixty-eight, full paid and subscription stock shall severally be so designated on the certificates issued, certificates of stock shall be issued in conformity with this section, in lieu of former certificates issued by said company to the owners of said patents and to cash subscribers, the capital stock of said company may at any time after the full payment of the first issue of three hundred thousand dollars, be increased to one million of dollars, or to any lesser amount by a vote of two-thirds of the stockholders in interest, each stockholder shall have at every meeting as many votes as he or she hold shares of stock.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors not less than five nor more than nine in number, who shall be stockholders in the company; and who shall be chosen annually by the stockholders on the first Wednesday of May in each year, or on such day to which the elec-

tion may on that day be properly adjourned in accordance with the by-laws of the company, the board of directors shall elect from their number a president, and, should their by-laws so provide, a vice president, who shall hold office for one year and until the election of their respective successors, the board shall also appoint a secretary and treasurer, and such other subordinate officers as it may deem necessary, who shall hold office at the discretion of the board, the board shall also have power to forfeit and sell stock for delinquent assessments, in such manner as the by-laws of the company may provide.

Original
contracts
not impair-
ed.

4. *And be it enacted*, That the by-laws of the company heretofore adopted shall continue in force, so far as they are in conformity with this act, until altered or amended as provided by said by-laws; that the present officers of the company continue in office until their successors are elected or appointed, and that the said company as hereby incorporated continue to possess and enjoy all the property and rights heretofore possessed by it, or secured by contract with other parties, and continue to be liable upon all its contracts and obligations heretofore executed or incurred by it.

Restric-
tions and
liabilities.

5. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the general liabilities set forth in the act entitled "An act concerning corporations," approved on the fourteenth day of February, in the year one thousand eight hundred and forty-six, and the acts supplemental thereto and amendatory thereof, so far as the same may be applicable.

Limitation.

6. *And be it enacted*, That the term of the existence of said corporation shall be thirty years from and after the passage of this act.

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

Approved March 27, 1867.

CHAPTER CCXXXV.

An act to incorporate "The Fuller Gold and Silver Mining Company of Colorado and Montana."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That J. C. Fuller, William Lee, John

L. Murphy, Alexander V. Manning, Daniel Peters, Morris Moses and Moses M. Bateman, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The Fuller Gold and Silver Mining Company of Colorado and Montana," and by that name shall be capable of suing and being sued, impleading and being impleaded in any court of record or elsewhere and of granting and of receiving, in its corporate name, property real and personal, and of holding and improving lands and working mines in the territories of Colorado and Montana and elsewhere, and of leasing or disposing of privileges to work such lands or mines, or any part thereof, and shall have the right to mine gold and other minerals, and transport the same to market, and do such other acts and things as may belong to the mining business as they may deem proper.

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter amend, add to or repeal, at their pleasure, and to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.

3. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each, and the business of the company shall be managed by not less than seven nor more than eleven directors, to be elected annually by the stockholders, at such time and in such manner as the by-laws shall provide; but they shall hold office until their successors shall be elected; and the said J. C. Fuller, William Lee, John L. Murphy, Alexander V. Manning, Daniel Peters, Morris Moses and Moses M. Bateman, shall be the first directors, and shall hold their offices until the first annual election.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the directions of its officers, in such places as they may deem expedient, but the principal office shall be located at the city of Trenton in this state.

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

Approved March 27, 1867.

CHAPTER CCXXXVI.

A supplement to an act entitled "An act to incorporate the Phoenix Manufacturing Company," passed November eighteen, eighteen hundred and twenty-four.

Corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Phoenix Manufacturing Company, incorporated by the act to which this is a supplement, shall be hereafter known and designated as "The Empire Manufacturing Company," and by that name shall have and enjoy all the rights and privileges, and be subject to all the duties and obligations specified in the act to which this is a supplement, and the several supplements thereto, now in force, the same as if thus designated in the said original act.

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

Approved, March 27, 1867.

CHAPTER CCXXXVII.

A supplement to the act entitled "An act for the Punishment of Crimes."

Penalty for
cruelty to
animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall cruelly beat or torture any horse, mule, ox or other animal, whether belonging to himself or to another, shall be guilty of misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding one year.

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

Approved March 27, 1867.

CHAPTER CCXXXVIII.

An act to incorporate the Delaware Rolling Mill.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Tindall, John Eyerman, Daniel Hulshizer, Jacob Seigle and John Drake, and all such persons as may be hereafter associated with them, shall be and they hereby are constituted a body corporate and politic in fact and in law, by the name of "The Delaware Rolling Mill," for the purpose of manufacturing, selling and dealing in iron in every form, and for the transaction of such business as may be connected therewith, and for such purpose may purchase, receive, hold and enjoy such real and personal property as may be necessary or useful in carrying on said business, and may sell, mortgage, lease or otherwise dispose of the same. Names of
corporators

2. *And be it enacted*, That it shall be lawful for the said corporation to give in payment for any land which they may purchase for the purposes aforesaid, the stock of the said corporation. Stock may
be given in
payment
for lands

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of fifty dollars each, and that the said corporation shall have the privilege of increasing the capital stock to two hundred thousand dollars. Amount of
capital
stock.

4. *And be it enacted*, That the business of the said corporation shall be managed by not less than three or more than seven directors, all of whom shall be stockholders, and one of whom shall be president and the persons named in the first section of this act shall be the first directors, and shall hold their offices for one year and until others are elected in their stead; and every year thereafter at such time and place, and upon such notice as the by-laws may appoint, an election for directors shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own; and if a vacancy shall occur in such board of directors by death, resignation or otherwise, the remaining directors may fill such vacancy by the appointment of any stockholder, and that their principal office shall be in the county of Warren. Election of
directors.

5. *And be it enacted*, That the directors of said company

Power of
directors.

shall have power to make by-laws for its government not inconsistent with the laws of this state or the United States, and may appoint such subordinate officers as the business of the company may require.

Not to be
dissolved
for failure
to elect.

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

How dis-
solved.

Proviso.

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

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

Approved, March 28, 1867.

CHAPTER CCXXXIX.

An act to incorporate the American Commercial Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Y. Bostwick, W. F. Rowland, Edwin Y. Lansing and Edmund Brewer, their associates and successors are hereby constituted a body corporate and politic, in fact and in law, by the name of "The American Commercial Company," with all the powers and privileges which are or may be necessary or proper for the purposes hereinafter described.

May hold
real estate.

2. *And be it enacted*, That said company may purchase, hold and convey any property or estate real or personal, legal or equitable, in as full and ample manner as any per-

son might do; they may receive money on deposit and allow interest therefor, may purchase and sell bills of exchange, may guarantee loans and negotiate the same, and receive therefor reasonable compensation, and may lend money upon public and private securities and receive interest therefor, not exceeding the rate of seven per centum per annum, but the said company shall not exercise the privilege of banking nor issue their own notes or bills to be used as bank notes or currency. Company may not do banking business.

3. *And be it enacted*, That the capital stock of said company shall be two millions of dollars with the privilege of increasing the same from time to time by a vote of the stockholders to ten millions; the stock shall be divided into shares of one hundred dollars each. Amount of capital stock.

4. *And be it enacted*, That the business of said company shall be managed by a board of not less than five nor more than fifteen directors, one of whom shall be elected by such board to act as president thereof and of the corporation; they shall hold their office from the time of their election until the next annual meeting, and until others are chosen and have accepted, any vacancy in said board may be filled by the remaining directors. Directors.

5. *And be it enacted*, That a majority of the directors shall constitute a quorum, and they shall have full power and authority, at any lawful meeting of the board to do in behalf of the company, whatsoever the stockholders might do at any lawful meeting. Quorum.

6. *And be it enacted*, That an annual meeting of the stockholders for the election of directors and other business shall be held on the second Tuesday of January in each year, at such place and time as the directors shall appoint; each stockholder shall be entitled to one vote for each share held by him, and may vote in person or by proxy; if an election shall not be made on said day such election shall be held on such other day as the directors shall appoint, at all meetings of stockholders any number representing a majority of the stock shall constitute a quorum. Election of

7. *And be it enacted*, That the persons named in the first section in this act may open books of subscription, and when one million dollars shall have been subscribed for, and ten per centum thereof shall have been paid in, the subscribers may proceed to the election of a board of directors, who shall hold their offices until the next annual meeting, and until others are chosen and have accepted. Books of subscription to capital stock.

Meetings
may be held
out of the
state.

8. *And be it enacted*, That the meetings of the stockholders and directors may be held out of this state, and when so held shall be as valid as if held in this state, but all annual meetings for the election of directors shall be held at such place in this state as the by-laws may direct, they shall have an office in Hudson county in this state, and other offices and agencies at such places as the business may require; and the said company shall pay yearly to the state of New Jersey one-half of one per centum on its paid up capital in addition to the tax now required by law.

Approved March 29, 1867.

CHAPTER CXL.

Supplement to an act entitled "An act to revise and amend the charter of the city of Trenton."

Boundaries

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Trenton which lies north of the Delaware and Raritan canal, and of the feeder of the said canal, shall be and the same is hereby erected into and constituted a new ward to be known as the seventh ward of the city of Trenton.

Rights and
privileges.

2. *And be it enacted*, That the inhabitants of the said ward by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and be subject to the same regulations, government and liabilities to which the inhabitants of the other wards of said city respectively are or may be entitled or subject.

Members of
council.

3. *And be it enacted*, That at the next city election in said ward to be held on the second Monday of April next, together with the other officers required by law to be elected, there shall be elected three members of the common council, one of whom shall serve for the period of three years, and two for the term of one year.

Inspectors
of registry
and elec-
tions.

4. *And be it enacted*, That it shall be the duty of the Governor, within one day after the passage of this act, to appoint three persons who shall act as Inspectors of Registry and Elections for the said ward, each of the political parties shall be represented in the said appointment, and the said

inspectors shall hold the elections for all officers to be elected at the election to be held as herein above provided, and at the general election to be held in November next, within two days after their appointment the said inspectors shall designate some convenient point in said new ward as the place for holding the ensuing charter election, and they shall give notice in the manner now required by law of the time and place of holding such election, said notice to be legal and valid if given three days previous to such election, any other act or law to the contrary notwithstanding; and the said inspectors shall at least three days before the next charter election in said city, attend at the polling place of the fifth ward, and shall on the day on which they shall there attend, between the hours of eight o'clock in the morning and nine o'clock in the evening, in connection with the Inspectors of Election and Registry for said fifth ward, who are hereby required to attend on that day for that purpose, make out a list of the registered voters in the part of the fifth ward hereby incorporated in the seventh ward, and the said inspectors for the seventh ward shall also, in like manner, at least two days before said charter election, sit at the polling place for the second ward, and in the same manner, between the same hours, in connection with the Inspectors of Election and Registry for the second ward, who are hereby required to attend for that purpose, make out a list of the registered voters in that part of the second ward, and the two lists thereby made shall constitute the list of registered voters for the seventh ward, and shall be used at the ensuing charter election; *provided*, that in making out said list, no voter's name shall be placed thereon, whose name is not already registered on either of the other said ward lists as living within the boundaries of the ward hereby created, and any name so registered on said lists shall be transferred to the list for the seventh ward, and on being so transferred the inspectors having in charge the list from which such voter was transferred, shall strike his name from the said list, marking opposite his name the figure "7;" the said inspectors for the second, fifth, and seventh wards, shall receive for each day's service hereby required, the same compensation now allowed by law for similar services on other days; *provided, further*, that the provisions of this section as to the time of notice of election, and the manner of making the list of registered voters in said ward, shall only apply to the ensuing charter election in said city, and that thereafter the

Duties of
inspectors.

said inspectors or their successors, shall make out and revise the list of registered voters in accordance with the provisions of the "Act to ascertain by proper proof the citizens who shall be entitled to the rights of suffrage," and the different supplements thereto.

Election of
councilmen

5. *And be it enacted*, That at the next ensuing annual charter election of the city of Trenton, and annually thereafter, there shall be elected in each of the wards of said city one member of the common council, who shall serve for the term of three years, and at the annual charter election which shall be held in the year eighteen hundred and sixty-eight, there shall also be elected in each of the wards of said city one member of the common council who shall serve for the period of one year.

Treasurer
and over-
seer of poor.

6. *And be it enacted*, That the common council of said city, by a majority of the whole number of members, shall hereafter appoint annually the city treasurer and the overseer of the poor.

Repealer.

7. *And be it enacted*, That all parts of the act to which this is a supplement, which are inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved, April 2, 1867.

CHAPTER CCXLI.

An act to incorporate the Matawan and Keyport Horse Railroad Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Alfred B. Dayton, William S. Horner, Cornelius Britton, Henry S. Little, Thomas S. R. Brown, David A. Wyckoff, Henry W. Johnson, Thomas T. Arrow-smith, Rufus Ogden, and such other persons as may hereafter be associated with them, shall be, and are hereby made, constituted and declared a body politic and corporate in fact and in law, by the name of "The Matawan and Keyport Horse Railroad Company," and by that name shall be capable of purchasing, holding and conveying lands, tenements,

real estate, goods, and chattels necessary or proper for the object of said corporation.

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

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation at such time or times, and place or places in the village of Matawan or Keyport, or both, as they or a majority of them think proper, giving at least twenty days' notice of the same in two newspapers published in the county of Monmouth, and at the time of subscribing, ten per centum of the value of each share subscribed shall be paid to the commissioners, or one of them, and as soon as ten thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state and citizens thereof, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for the purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred) to such directors so elected, and annually after said first election of directors, at a time and place to be fixed by the by-laws of said corporation, there shall be a meeting of the stockholders to choose seven directors, a majority of whom shall be citizens of this state, which election shall be conducted in accordance with the rules fixed by the by-laws of said corporation, and which directors shall hold their office for one year after their being so chosen. Commissioners to open books of subscription to capital stock.

4. *And be it enacted*, That in case it shall happen that an election of directors, should not be held upon the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but Company not to be dissolved by failure to elect.

such election may be held at any other time, giving ten days' notice in the manner provided by law, and the directors for the time being shall continue in office until others shall have been chosen in their place; and in case of the death, resignation or removal of any director during the year for which he may have been chosen, such vacancy may be filled by the remaining directors, or a majority of them.

Install-
ments.

5. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of said corporation; and shall have power to call in the capital stock of said corporation, to be paid by such instalments and at such times as they may direct, and in case of the non-payment of such instalments, or any of them, to forfeit the share or shares upon which such default shall arise, or at their option to sue for and recover the instalments due and unpaid; to make such by-laws, rules and regulations as shall appear proper concerning the business of said corporation, and to appoint such officers, clerks and servants, and fix for them such salaries and wages as to them shall seem proper.

Power to
construct
road.

6. *And be it enacted*, That said corporation shall have power and authority to lay down and construct a railroad with the necessary turnouts and switches from some point on or near the village of Matawan in the township of Matawan, and county of Monmouth, thence along the Monmouth county plank road to some suitable point in the village of Keyport, in the township of Raritan, and county aforesaid, having power to lay out and construct said road through such streets as are now or may hereafter be opened in or through said villages; *provided*, that the right to construct the said railroad upon said plank road shall not vest in the said corporation until the consent of the Monmouth county plank road company shall be first had and obtained, or if it shall be deemed more expedient, the said corporation may lay out and construct said railroad from some suitable point in the township of Matawan, in the county of Monmouth, to some suitable point in the township of Raritan, in said county, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said corporation, their agents, superintendents, engineers or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad and of locating the same, and to do and erect all

Proviso.

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 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 which shall be suitable or necessary for the completion or repair of the said road, first making such compensation as is hereinafter provided.

7. *And be it enacted*, That if the said corporation or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said corporation, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the corporation, 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 residences, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct for any 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 and judicious freeholders, residents in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, having first taken an oath or affirmation before some person duly authorized to administer an oath faithfully and impartially to examine the matter in question and make a true report according to the

Proceed-
ings when
company
and owners
cannot
agree.

best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages which shall be paid by the corporation for such lands and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from removing the fencing on the line of the route of said road, through any improved lands over which the same may run; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointments and oaths and affirmations aforesaid in the clerk's office of said supreme court, to remain of record therein, which report or a copy thereof, certified by the clerk of said court, 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 if 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 said corporation, 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 corporation in the nature of a mortgage, and the said justice of the said court shall, on application of either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section of the act as he shall think equitable and right, and to order and direct to whom the same shall be paid by the corporation.

Proceed-
ings in case
of appeal.

8. *And be it enacted*, That in case the said corporation, or owner or owners of the said land shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands in controversy lie, at the first or second term after the filing of the said report by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed be-

tween 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 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 corporation 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 awarded, then said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the corporation from taking the said land upon the filing of the aforesaid report, and payment or tender of payment and deposit in the supreme court of the sum assessed.

9. *And be it enacted*, That the track laid by said corporation shall be of the same width as the wagon track now established by law, and the same shall be laid in all streets within the limits of said villages of Matawan and Keyport, level with the surface of said streets, and in conformity with the grades thereof, which now are or hereafter may be established by the authorities of the said villages respectively, and in all cases the rails of such track shall be so laid as to present no unnecessary obstructions to, or in any way interfere with the wagons or other vehicles turning in or crossing said streets or roads through or over which said road or its turnouts or switches may be laid. Width of track.

10. *And be it enacted*, That the said corporation may purchase, have and hold real estate at each terminus of said road, and at such places not exceeding two, along the line of said road, as they may desire, not, however, exceeding three acres at each place, or twelve acres in the aggregate, and may erect and build thereon houses, depots, warehouses, stables, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation. May hold real estate.

11. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as Dividends.

they may deem prudent and proper from time to time out of the net profits of the said railroad.

May have
machinery,
cars, &c.

12. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or to have constructed, with the funds of said corporation all such machinery, cars wagons, carriages, or other vehicles, for the transportation of persons and property on their railroad, as they may think fit, expedient or right, and also to purchase such horses or mules, as they shall deem fit for the purpose of said corporation; *provided, however*, that no steam power shall be used as a motive power upon said railroad, and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad, as they shall think reasonable and proper; *provided*, that not more than fifteen cents shall be demanded or received for conveying any person from any one point to another upon said railroad.

Proviso.

Proviso.

Penalty for
injury to
railroad or
works.

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

May borrow
money.

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, repair or equip said road, and to secure payment thereof, by bond and mortgage or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

May make
contracts.

15. *And be it enacted*, That it shall be lawful for said corporation at any time to make contracts and engagements with any other corporation, or with individuals, for operating said railroad, transporting or conveying any kind of goods, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and to demand and receive for such transportation by them carried over the road of any other company the same rates of fare and tolls as said corporation are entitled to receive by virtue of this act for transportation and passage over their road, and also to connect with any railroad or railroads in said village of Matawan or in said

village of Keyport, now incorporated or hereafter to be incorporated, upon such terms and conditions as may be agreed upon between them, and not inconsistent with their respective charters.

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 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, immediately thereafter 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. Statement of cost and expenses of railroad to be filed in office of secretary of state.

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

Approved, April 2, 1867.

CHAPTER CXXLII.

An act to incorporate the Chester Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Budd, Nathan A. Cooper, James Vanderveer, Alexander Elliot, William H. Nicholls, Anson G. P. Segur, James C. Yauger, Silas S. Harvey, Samuel C. Leek, 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 Chester Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary and expedient for the objects of this incorporation. Names of corporators

2. *And be it enacted*, That the amount of capital stock shall be one hundred and fifty thousand dollars, with liberty to increase the same to three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall Amount of capital stock.

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

Commissioners to receive subscriptions to capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least ten days' notice of the same, in two of the newspapers published in this state, and 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 notice for a meeting of the stockholders

Election of directors.

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 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 elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the 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.

Company not to be dissolved by failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day, when pursuant to this act it ought to 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 their office until new ones shall have been chosen in their places.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the 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 said default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the powers necessary and expedient to survey, lay out and construct a railroad from a point on the Morris and Essex Railroad, at Dover, or west of Dover, running through the county of Morris, terminating in the township of Chester or the township of Washington, in the county of Morris; *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 lands and waters for the purpose of exploring, surveying, leveling, or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said road 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,

Install-
ments.

Power to
lay out and
construct
railroad.

Proviso.

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 is hereinafter provided; *provided always*, that the payment or the 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 persons under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceed-
ings 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 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 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 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, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make

a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine 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 appraisal 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 land or materials, and the appointment and oath or affirmation aforesaid, in the clerk's office of the county in which the land or materials are situated, to remain of record therein, which report or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt, in any court of competent jurisdiction in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall upon application of either party, and upon reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company; *provided always*, that should the said company, or the owner or owners of any of the lands or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proviso.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing and in 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

Proceedings in case of appeal.

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 trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said 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 the said company, and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners shall have awarded, then the said costs to be paid by the said applicant or applicants and either deducted out of the sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said land to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners, is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment, and further that the party or parties entitled to receive the 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 and under said railroad, where any public or other road shall intersect or cross the same, so that the passage of carriages, horses and cattle across the said railroad shall not be obstructed, and likewise where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road.

Bridges to
be kept in
repair.

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 depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, machine shops and such other out buildings and improvements as they may deem expedient, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the railroad may cross, such piers, bridges and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

May hold
real estate.

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

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 cars for the transportation of persons or 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 six cents per mile for carrying each passenger on said railroad, or at the rate of ten cents per ton per mile for the transportation thereon of every species of merchandise, produce, property and freight.

May have
constructed
engines,
cars, &c.

Proviso.

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers and to enforce the fulfilment of such contracts.

May make
contracts.

14. *And be it enacted*, That if any person shall wilfully

Penalty for injury to railroad, works, &c. 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.

Incorporated railroad companies may subscribe for capital stock, 15. *And be it enacted*, That it shall be lawful for any incorporated railroad company of this state to subscribe for or purchase any number of shares in said Chester Railroad Company, and the directors of any incorporated railroad company so wishing to subscribe for or purchase any number of shares, may by an increase of capital stock or by loan, provide the necessary means to pay for the same.

Statement of cost of railroad to be filed. 16. *And be it enacted*, That as soon as the said railroad or any part thereof is in operation, the president of said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipment, appendages, and all expenses, in the office of the Secretary of State, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road, and after the said railroad or any part thereof shall be in operation for the term of ten years, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January, of each year; *provided*, that no other tax or impost, shall be levied or assessed upon said company.

Proviso.

May consolidate with any other railroad.

17. *And be it enacted*, That it shall be lawful for the said company, if they see fit and so choose to do, to hire or lease to, connect or consolidate with any other road the company of such other road being willing so to unite, and to make contracts and engagements with any other corporation, or with individuals, for transporting and conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Limitation.

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

Who may ride free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the

court of errors of this state, while traveling for the purposes of discharging the duties of their offices and the members and officers of both houses of the legislature of this state shall pass and repass on the railroad of said company in their cars free of charge.

20. *And be it enacted*, That the said company shall have the power, and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads and all the appurtenances, franchises, powers, privileges and rights, belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, not exceeding at any one time two-thirds of the paid up capital of said company, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof, by virtue of any statute of this state, and the said bonds or mortgages so sold or negotiated, shall be valid and binding in law and in equity, and the purchaser or purchasers under a decree in equity or foreclosure founded upon any such bond or mortgage shall be invested with all the estate rights, franchises, powers and privileges which are, or may be conferred upon or possessed by the said company under or by virtue of this act of incorporation, subject nevertheless, to all restrictions and limitations contained therein.

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

Approved April 2, 1867.

CHAPTER CXLIII.

An additional supplement to the act entitled "An act to regulate the Elections," approved April sixteenth, eighteen hundred and forty-six, and the supplements thereto.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the General Assembly of this state, the county of Burlington shall constitute four districts, the first to be composed of the townships of Chesterfield, Bordentown, Mansfield and Burlington; the second district to be composed of

Burlington
county
election
districts.

the townships of New Hanover, Springfield, Westhampton, Northampton, Willingborough and Beverly; the third district to be composed of the townships of Cinnaminson, Chester, Evesham and Lumberton; the fourth district to be composed of the townships of Pemberton, Southampton, Medford, Shamong, Washington, Bass River, Woodland and Egg Harbor.

Morris
county
election
districts.

2. *And be it enacted*, That the three Assembly districts of the county of Morris shall be composed as follows: the first Assembly district shall be composed of the townships of Chatham, Hanover, Morris and Passaic; the second Assembly district shall be composed of the townships of Pequannock, Rockaway, Randolph and Jefferson; and the third Assembly district shall be composed of the townships of Roxbury, Washington, Chester and Mendham.

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

Approved, April 2, 1867.

CHAPTER CCXLIV.

An act to repeal the act entitled "An act to provide for the assessments and collection of taxes, in the county of Burlington," approved March twenty-seven, eighteen hundred and sixty-six.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide for the assessments and collection of taxes in the county of Burlington," approved March seventh, eighteen hundred and sixty-six, be, and the same is hereby repealed.

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

Approved, April 2, 1867.

CHAPTER CCXLV.

An act to incorporate the Franklin Lyceum, in the city of Hoboken, county of Hudson, state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Graham, John Livesey, Charles K. Reekie, William W. Shippen, Bradley H. Baldwin, Charles Williams, Samuel Herbert, and such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate, by the name and style of "the Franklin Lyceum of Hoboken," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, and alter and change the same at pleasure, and that they and their successors by the said name shall be capable in law to purchase, take, receive and hold, any estate real or personal either by devise or otherwise, to the use of them and their successors, and to lease, sell, convey or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation, but the yearly income of such real and personal estate, shall not at any time exceed the sum of five thousand dollars.

2. *And be it enacted*, That the said incorporation is hereby incorporated for the purpose of encouraging and promoting the intellectual improvement of the inhabitants of the city of Hoboken and vicinity, by means of a lyceum, library and reading room, and by lectures, essays, addresses and debates, and by such other ways and means as to the said corporation or the trustees thereof, hereafter mentioned, shall appear to be most expedient; and the estate and funds of the said corporation, after paying all proper charges and expenses, shall be exclusively devoted to all the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purchase and holding of any real estate and erecting any building thereon, for the benefit and accommodation of the members of said corporation, and of those who may attend their library and meetings, which real es-

tate they may again sell and re-invest as they may find expedient.

May make
by-laws and
rules.

3. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution, by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the admission of members, for the government of the officers and members thereof, for the imposing and collecting admission fees, fines and contributions from the members, for regulating the times and places of meeting, for suspending or expelling such members as shall refuse or neglect to comply with the said constitution, by-laws or regulations and generally for the management and direction of the affairs and concerns of the said corporation.

Officers

4. *And be it enacted*, That the officers of the said corporation shall consist of a president, a vice president, a secretary, and four directors, and such other officers as the said corporation, or the members thereof, may think fit, from time to time to appoint, the president, vice-president, secretary and directors, for the time being, shall be the trustees of said corporation, and shall continue in office one year from the time of their appointment or election and until others shall be chosen in their stead.

Names of
first direc-
tors.

5. *And be it enacted*, That Charles Graham, shall be the first president, and John Livesey, the first vice president, and Charles Reekie, the first secretary, and William W. Shippen, Samuel Herbert, Charles H. Williams, Bradley H. Baldwin the first directors of said corporation, and shall be the trustees thereof, and shall hold their offices until the first Monday in December, eighteen hundred and sixty-seven, and until others shall be elected in their stead, as hereinafter provided.

Election to
be held an-
nually and
to vote by
ballot.

6. *And be it enacted*, That on the evening of the first Monday in December, eighteen hundred and sixty-seven, and on the evening of the first Monday of December in every succeeding year, there shall be a general meeting of the members of said corporation at some convenient place in the city of Hoboken, which shall be notified by the said officers or trustees for the time being, by an advertisement set up in open view, at or near such place of meeting, at least ten days before such meeting, and the members of said corporation who shall so meet, shall elect by ballot, the said officers or trustees of the said corporation for the year then next ensu-

ing, which election shall be held by three inspectors to be appointed for that purpose by the said officers or trustees for the time being, and which inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid.

7. *And be it enacted*, That the said officers or trustees of said corporation may demand and take security from their treasurer from time to time for the faithful performance of the trust reposed in him in such manner as to them shall seem fit, and every contract or obligation for that purpose shall be valid in law. Treasurer.

8. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of said officers or trustees, the members of the said corporation may, at any regular meeting, elect by ballot, any other officer or officers in their stead, who shall hold their offices until the next annual election, and until others shall be chosen in their places. Vacancies.

9. *And be it enacted*, That if any election of said officers or trustees shall not be held in any year at the time appointed for that purpose by this act, the said corporation shall not for that cause be dissolved, but the said officers or trustees for the time being shall order the said election to be held at such other time and place in said city as to them shall appear proper, giving the like notice thereof as hereinbefore required in the case of the regular annual election. Not to be dissolved for failure to elect.

10. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest or other instrument, contract or conveyance shall defeat or vitiate the same if the corporation be sufficiently described to show or ascertain the intention of the parties. Act not to be vitiated.

11. *And be it enacted*, That the legislature reserve the right at any time hereafter to repeal, alter or modify this act. May be repealed.

Approved April 2, 1867.

CHAPTER CCXLVI.

An act for the relief of William S. Hunt, of the county of Hunterdon.

Rights and
privileges
restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Hunt, of the township of Alexandria, in the county of Hunterdon, be, and he is hereby restored to all his rights and privileges as a citizen of New Jersey, and that this act shall take effect immediately.

Approved, April 2, 1867.

CHAPTER CCXLVII.

An act to change the name of Adolph Ohlenschlager to Adolph Onslow.

Rights and
privileges
retained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Adolph Ohlenschlager, of Jersey City, be, and the same is hereby changed to Adolph Onslow, and by that name he shall possess and enjoy all the rights, powers, and privileges which he would have possessed and enjoyed had he retained the name of Adolph Ohlenschlager.

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

Approved April 2, 1867.

CHAPTER CCXLVIII.

An act to incorporate "The Newton Library Association."

Preamble.

WHEREAS, the persons hereinafter named and others, have formed themselves into an association under the name and title of "The Newton Library Association," the ob-

ject of which association is the establishment of a library, with all proper conveniences and appurtenances, and the erection of a suitable edifice for its accommodation, with a view to advance the interest of learning generally and to instruct and educate the youth of the town of Newton in science, literature and the arts; *and whereas*, the said association is desirous of an act of incorporation that its purposes may be more effectually subserved, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Martin Ryerson, George H. Neldon, Thomas Ryerson, Franklin Smith, Thomas Anderson, Rev. Nathaniel Pettit, John R. Stuart, Charles P. Rorbach, David Thompson, Benjamin B. Edsall, John Linn, George M. Ryerson, Daniel S. Anderson, Samuel Dennis, Theodore Morford, John McCarter, Jonathan F. Shafer and Robert Hamilton, and all and every other person or persons who are or may become their associates, their successors and assigns, shall be and are hereby incorporated by the name of "The Newton Library Association," and by that name shall be a body corporate and politic, and shall be forever hereafter capable to hold, receive by donation or otherwise, purchase, lease and convey real and personal estate; *provided*, Names of corporators *always*, that the yearly income of such real and personal estate does not at any time exceed the sum of ten thousand dollars. Proviso.

2. *And be it enacted*, That the capital stock of the said corporation shall not exceed fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, the said association having the power to commence operations as soon as the sum of ten thousand dollars is subscribed. Amount of capital stock.

3. *And be it enacted*, That on the first Wednesday after the first Monday in May, in the year of our Lord one thousand eight hundred and sixty-seven, and annually thereafter an election shall be held at a general meeting of the stockholders for thirteen of their number as directors for the ensuing year, and that each stockholder present at such election shall have one vote for each share of stock he may hold, and those persons having a majority of all the votes then cast shall be deemed elected, but no stockholder shall be allowed to vote whose dues to the association are not fully paid, and that the persons above particularly named as corporators shall constitute a board of directors until others are elected, and that in case an election shall not be made Directors to be elected annually.

on the day appointed by this act, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on some day not more than six weeks after the time herein appointed for the annual election, and the directors at any time in office shall hold their offices until others are elected, and in case of the death, resignation or removal of any director, the vacancy occasioned thereby shall be filled for the remainder of the term by a majority of the board of directors; three inspectors for the annual election shall be appointed by the directors, from stockholders who are not directors.

Officers.

4. *And be it enacted*, That the directors shall choose from among themselves a president and vice president, and either from among themselves or from among the stockholders generally a secretary and treasurer, whose duties shall be performed gratuitously; and the directors shall have authority to appoint a librarian and such other officers as may be necessary to establish regulations and restrictions which shall be binding both upon stockholders and others in the use of books and in the enjoyment of the privileges and objects of the association; and seven directors of the corporation shall constitute a quorum competent to do all business excepting such business as by the requirements of this act, or any by-law of the association, shall require more than seven to perform.

Installments.

5. *And be it enacted*, That all instalments now due, or that may at any time be due, from stockholders on the share or shares respectively held, shall be paid at such times as the directors for the time being shall appoint, and the non-payment of such instalments by the stockholders, after due notice, shall, if the board of directors so determine, either work a forfeiture of all previous payments, and the stock upon which such instalments shall not be paid as aforesaid shall revert to the association, and be by them sold for the benefit of the association, or the board of directors may take legal measures to enforce the payments of such sum or sums as may at any time be due on their stock.

Stock transferable.

6. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and that the shares of stock shall be transferable only on the books of the association, under such regulations as the board of directors may prescribe.

Exempt from taxation.

7. *And be it enacted*, That no state, county, town, township or other public assessments, taxes or charges whatsoever

ever shall at any time be levied or imposed upon the said association or upon the stock and estates, which may become vested in them under this act.

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

Restrictions and liabilities.

Approved April 2, 1867.

CHAPTER CCXLIX.

An act to pass the title of the real estate of George Hether-ton, deceased, to his administrators that the same may be applied to the payment of his debts.

WHEREAS, George Hether-ton, late of the township of Frank-ford, in the county of Sussex, departed this life on the fif-teenth day of August, anno domini eighteen hundred and sixty-four, intestate, leaving no heirs at law to whom his estate could pass; *and whereas*, the said George Hether-ton at the time of his decease was seized in fee simple of a small lot of land situate in the township aforesaid, valued at about the sum of two hundred dollars (\$200.00); *and whereas*, the said George Hether-ton, at the time of his death was indebted to creditors residing in this state in a sum exceeding the value of the said real estate, and has no personal estate sufficient to pay said debt; *and whereas*, Charles Roe, junior, of said township, has been appointed administrator of the estate of said George Hether-ton; therefore,

Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the state of New Jersey hereby relinquishes and releases all claim of title, and all right, title and interest, of, in and to the real estate of the said George Hether-ton, deceased.

Release.

2. *And be it enacted*, That the said Charles Roe, junior, ad-ministrator as aforesaid, be and he hereby is empowered to make sale of the said real estate and apply the proceeds thereof to the payment of the debts of the said George

Sale of real estate to be made for the pay-ment of debts.

Hetherton, deceased, and the said administrator shall have power to make and execute to the purchaser or purchasers of the said real estate, a proper deed or deeds of conveyance to pass to him or them, all the right, title and interest of the said George Hetherton therein, and that he shall make sale thereof under the order and direction of the orphans' court of the county of Sussex, and report the same to the said court for confirmation, and shall account for the proceeds of the said sale in the same manner as if the same had been sold by the order of the said court to pay debts.

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

Approved, April 2, 1867.

CHAPTER CCL.

An act to incorporate "The Raritan Cemetery Company of Keyport."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Britten, Joseph C. Clark, William H. Van Dine, Theodore Aumack, Joseph W. Carhart, Alfred Walling, junior, Richard Bedle and Edwin H. Carhart, and their associates be and they are hereby made a body politic and corporate in law, under the name and title of "The Raritan Cemetery Company of Keyport."

May hold
in fee a cer-
tain tract of
land.

2. *And be it enacted*, That the said corporation shall be composed only of such persons who are and shall be owners of lots in said cemetery; and that the said corporation shall have power to take and hold in fee the tract of land situate at Keyport in the county of Monmouth, upon the farm late of William Van Dine, deceased, now occupied as a burying ground, containing about four acres, together with any and such other tract or tracts of land which the said corporation may hereafter add thereto for the purpose aforesaid, not to exceed in the whole ten acres, to hold, occupy and improve the said burial place, and such other tract or tracts of land as may hereafter be purchased by the said corporation, as a cemetery; to lay out and divide the same into sub-lots, and to sell and dispose thereof for the purposes of burial,

subject to such conditions, regulations and restrictions as may be established by the said corporation; *provided*, that it shall not be lawful for the said corporation, nor for any other person to encroach upon any lots now occupied as family burying places in the said burial ground, nor to deprive any person entitled to bury in the said ground of the right of burial therein, subject to such rules and regulations as may be prescribed by the said corporation, for the better government thereof. Proviso.

3. *And be it enacted*, That the care and management of the said cemetery shall be confined to and under the superintendence of three trustees; that Cornelius Britten, Theodore Aumack and Alfred Walling, junior, shall be trustees for the purpose aforesaid, whose term of office shall continue until the first day of May, eighteen hundred and sixty-eight, on which day and annually thereafter on such day, at such place and subject to such regulations as the said corporation shall prescribe, an election for three trustees shall be held who shall hold their offices for one year and until others are chosen in their stead. Names of trustees.

4. *And be it enacted*, That in all elections for trustees, every person of full age, who shall be proprietor of a lot, or if there be more than one proprietor of any lot, then such person as the majority of joint proprietors shall designate to represent such lot, may give one vote for each lot owned by him or them. Election of trustees.

5. *And be it enacted*, That the sub-lots shall be conveyed to the respective purchasers thereof when paid for in full in fee, by deed, under the corporate seal of said corporation and signed by the secretary thereof, and that of the proceeds thereof, the said corporators, their heirs or assigns, shall pay over to the trustees of the said corporation twenty-five per centum of the same, until the whole sum so paid (including the interest that may accrue thereon), shall amount to the sum of one thousand dollars, which sum shall be loaned out on such security as the trustees may deem sufficient, to be and remain as a permanent fund and loan; the interest alone to be used for the purpose of improving and keeping in repair the fences, avenues, walks and other fixtures of the said cemetery, and for meeting such other expenses as may accrue; *provided*, that in case the interest of the said sum shall at any time be insufficient for the purposes above mentioned, it shall be lawful for the said trustees or their successors to Interest money to be used in improvements &c.
Proviso.

make an assessment upon each and every lot in said cemetery to supply such deficiency.

Restric-
tions and
liabilities.

6. *And be it enacted*, That the said corporation shall have all the immunities, powers and privileges, and to be subject to the restrictions, limitations and conditions specified and contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and in the eighth, ninth, tenth and eleventh sections of the act entitled "An act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one, and that the provisions of the said several sections shall be deemed and taken as part and parcel of this act.

Approved, April 2, 1867.

CHAPTER CCLI.

An act to incorporate the May's Landing Water Power Company.

Preamble.

WHEREAS, Richard D. Wood and Russell D. Green, are the owners of the dam and water power appertaining thereto, constructed and created in and across Great Egg Harbor river, at or near May's Landing, in the county of Atlantic, under and by virtue of the act of the legislature of this state, approved on the fourth day of March, eighteen hundred and forty-six, entitled "An act to authorize Jeremiah Stull to construct a dam across the Great Egg Harbor river, at May's Landing, in the county of Atlantic," and the supplements thereto, approved on the fourteenth day of March, eighteen hundred and fifty-six, and desire that they and their associates may become a corporation, with power to increase the said water power by raising said dam, whereby, in the opinion of the legislature, manufactures would be encouraged and the public good promoted; therefore,

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard D. Wood, Russell D. Green, William Moore, Thomas D. Endicott and George R. Greene, and such other persons as may be hereafter associated with them, shall be, and they hereby are ordained, con-

stituted and declared a body politic and corporate, in law and in fact, by the name of "The May's Landing Water Power Company," and by that name the said corporation may purchase, hold and enjoy the said dam and water power with appurtenances; and having purchased the same, shall have power to raise the dam and water works connected therewith to the height of the natural surface of the water in said river, at the distance of one hundred and ninety chains in a straight line above said dam, to raise the dam to a corresponding height; and shall have power to sell, let, use or otherwise dispose of the water, water power and privileges created by said dam and water works, for manufacturing and other purposes; and shall also have power to purchase, hold, convey, lease and otherwise dispose of any other lands, tenements, hereditaments, goods and chattels whatsoever, and to do all other acts and things necessary or proper to effect the object of this corporation.

2. *And be it enacted*, That before the said corporation shall raise the water, as aforesaid, they shall cause all the lands above said dam that would be overflowed or drowned by such raising, to be carefully surveyed and leveled, so as accurately to ascertain the quantity of land that would thereby be overflowed or drowned; and shall cause a map of the survey and level of said lands, designating the lands which would become so overflowed or drowned, and the owners thereof if known, and when the said corporation cannot agree with the said owner or owners of said lands, for such use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of said corporation, in the raising of said water as aforesaid, shall be given in writing, under the oath or affirmation of some engineer or agent of said corporation, and the name or names of the owner or owners thereof, if known, and his, her or their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall assign a particular time and place for the appointment of the commissioners, hereinafter named, and shall cause the said corporation to give notice thereof to such owner or owners, 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, at which time and place, on satisfactory evidence to said justice of the service or publication of such notice, as directed, he shall appoint, under his

Lands to be surveyed and leveled

Proceedings when company and owners cannot agree.

hand and seal, three disinterested, impartial and judicious freeholders, residents in said county of Atlantic, commissioners to examine said lands and assess the damages, which the owner or owners thereof will sustain by the overflowing or drowning the same, as aforesaid, at such time and place as shall be appointed by said justice, on such notice to such owner or owners as he shall direct, not less than ten days; that it shall be the duty of said commissioners (having first taken and subscribed 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 as aforesaid, and to proceed to view and examine the said lands, and to make a just and equitable assessment of the damages which the said owner or owners thereof will sustain, by overflowing or drowning the same, as aforesaid, and make report thereof; that the said report shall be in writing, under the hands and seals of said commissioners, or any two of them, and with the aforesaid description of said land and appointment and oaths or affirmations aforesaid, within ten days thereafter, shall be filed in the clerk's office of said county of Atlantic, to remain of record therein, and shall be plenary evidence of the right of said corporation to overflow or drown and enjoy the said lands as aforesaid, and of the right of said owner or owners to recover the amount of such assessment, with interests and costs, in any court of competent jurisdiction, if the said corporation shall neglect or refuse to pay the same, for twenty days after demand thereof, made to the treasurer, or other proper officer of said corporation; and the said justice, on application of either party, and reasonable notice to the other, shall tax and allow such costs, fees and expenses to himself, commissioners and others performing any of the services prescribed in this section, as he shall think fit, which shall be paid by said corporation; *provided*, that in no case shall the said corporation overflow, drown or use the said lands as aforesaid, until they shall have paid the amount of damages assessed as aforesaid to said owner or owners, if he or they will accept the same, if known, and resident in this state, or if they will not accept the same, or if unknown, or not resident in this state, until they shall have deposited the amount of such assessment, for his or their use, in the office of the clerk of said county.

Proviso.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said corporation shall be two 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, in such instalments, and on such notice as the said corporation by by-laws, or otherwise, may 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 appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares and all previous payments thereon, to the use of said corporation.

4. *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 corporation may, at any time hereafter, increase their capital stock to any amount not exceeding six hundred thousand dollars.

5. *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 the said Richard D. Wood, Russell D. Green, William Moore, Thomas D. Endicott, and George R. Green, 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 occur at any time in the board of directors, by death or otherwise, the board may, at their next or any subsequent meeting, fill such vacancy until the then next annual election of directors; and no person shall be a director but a stockholder.

6. *And be it enacted*, That there shall be an annual election of directors, held at some place in the township of Hamilton, on the first Monday in May next, and that all subsequent annual election 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 first Monday in May

Stock transferable.

Names of first directors.

Directors to be elected annually.

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 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 when absent, then 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.

7. *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 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 so to do by any person or persons being stockholders.

8. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately; but the legislature reserves the right at any time to alter, amend or repeal the same.

Passed April 3, 1867.

CHAPTER CCLII.

A further supplement to the act entitled "An act to incorporate the proprietors of the Orange Cemetery, in the county of Essex," passed November thirteenth, eighteen hundred and forty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the proprietors of the Rosedale

Cemetery, be, and they are hereby authorized to purchase, ^{May hold further real estate.} take and hold such further land or lands as they may require, for the purposes contemplated by the said act, or any supplement thereto; *provided*, that such lands shall not in ^{Proviso.} the aggregate exceed seventy-five acres, over and above, those which they are now authorized to hold.

Approved, April 3, 1867.

CHAPTER CCLIII.

A supplement to the act entitled "An act to establish and organize the State Reform School for Juvenile Offenders," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the superintendent of the State Reform School to make out and send ^{Quarterly statement.} quarterly to each of the justices of the supreme court a statement showing the capacity of the school, the number of pupils, and such other information as may direct the justices of said court in making commitments, so that the school may not be crowded beyond its means of accommodation.

COMMITMENTS.

2. *And be it enacted*, That when a boy under the age of sixteen years shall, by the verdict of a jury in a court of criminal jurisdiction, be found guilty of any crime, excepting murder or manslaughter, it shall be lawful for said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said boy be sent to the State Reform School, for reformation and instruction, pursuant to the provisions of this act, and a copy of said order, duly certified by the clerk under the seal of the said court, shall be a sufficient warrant for carrying said boy to the said school, and for his commitment to the custody of the superintendent thereof, *provided*, such order shall be made or appeared by a ^{Commitments legalized.} ^{Proviso.} justice of the supreme court.

3. *And be it enacted*, That when a boy under the age of sixteen years shall be arrested upon complaint of any crime ^{Duty of magistrate.}

(excepting murder or manslaughter,) or of being a disorderly person, it shall be lawful for the magistrate before whom he shall be taken, after examination, if in his judgment said boy is a fit subject for the Reform School, to commit him to the jail of the county or city where the charge shall be made, and forthwith to certify and send a copy of the complaint and commitment to a justice of the supreme court most convenient of access; and for making such copies the magistrate shall be entitled to the same fees as are allowed by law for the original complaint and commitment.

Justice to
issue war-
rant.

4. *And be it enacted*, That said justice of the supreme court, upon receiving said copies of the complaint and commitment, or upon his own information of such complaint or commitment, shall and may issue a warrant to a sheriff, constable or other officer to bring said boy before him; and also an order to the parent or guardian of said boy, or such person as may have him in charge, or with whom he has last resided, or one known to be nearly related to him, or if he be alone and friendless, then to such person as said justice may appoint to act as guardian, *ad litem*, requiring him or her to appear at a time and place stated in said order, to show cause why said boy should not be committed to the Reform School for reformation and instruction.

Service of
copy return

5. *And be it enacted*, That said order shall be served by the sheriff, a constable or police officer, by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to said justice under oath of the time and manner of such service.

Examina-
tion and ap-
pointment
of guardian
ad litem.

6. *And be it enacted*, That at the time and place mentioned in said order; or the time and place to which it may be adjourned, if the parent or guardian to whom said order may be addressed shall appear, then in his or her presence, or if he or she shall fail to appear, then, in the presence of some suitable person whom the said justice shall appoint as guardian *ad litem*; and when the complaint is of crime, if said parent or guardian shall sign a consent in writing, to waive a trial by jury in behalf of said boy, it shall and may be lawful for said justice to proceed to take the voluntary examination of said boy, and to hear the statements of the party appearing for him; and such testimony in relation to the case as may be produced, and if upon such examination and hearing the said justice shall be satisfied that the boy

has committed a crime, or is a disorderly person, and is a fit subject for the state reform school, he may commit him to said school by warrant, in substance as follows:

To A. B. (sheriff, constable, or police officer, as the case may be.)

Form of
warrant of
commit-
ment.

You are hereby commanded to take C. D., a boy under the age of sixteen years, to wit: of the age—— as near as can be ascertained, who at the time of his arrest resided in——, and who has been proved to me to be a proper subject for the care, discipline and instruction of the state reform school, and deliver said boy without delay to the superintendent of the said school, or other person in charge thereof, at the place where the same is established, and for so doing this shall be your sufficient warrant, dated this—— day of——, 18——, at——, in the county of——, in the state of New Jersey; but no variance from said form shall be deemed material if it sufficiently appears upon the face thereof, that the boy is committed by the justice in the exercise of the powers given by this act.

7. *And be it enacted*, That the justice shall certify in the warrant the place in which the boy resided at the time of his arrest, also his age as near as can be ascertained; and such certificate for the purpose of this act, shall be conclusive evidence of his residence and age; accompanying the warrant, the justice shall transmit to the superintendent by the officer executing it, a statement of the nature of the complaint, together with such other particulars concerning the boy as the justice is able to ascertain.

Justice to
transmit
statement.

8. *And be it enacted*, That if the justice aforesaid is of the opinion that the boy is not a fit subject for the school, or the person appearing for him, if he is charged with a crime, will not waive a trial by jury, he shall remand him to the custody of the keeper of the jail of the county or city, to be dealt with according to law.

Proceed-
ings when
tried by
jury is not
waived.

9. *And be it enacted*, That if it shall be found that said boy is unruly and incorrigible in said school, it shall be lawful for the superintendent to endorse upon the order aforesaid, or upon the warrant of the justice of the peace committing said boy, or a copy thereof, a certificate of such bad conduct, and cause said boy to be returned to the custody of the keeper of the jail of the county or city whence he shall come, there to be imprisoned and proceedings against him to be resumed, as if no warrant or order committing him to the reform school had been made.

Duty of
superinten-
dent.

Discharge 10. *And be it enacted*, That no boy shall be committed to said reform school for a longer term than until he shall attain the age of twenty-one years; except as provided in section twelve of this supplement; but the said trustees by their order may at any time after one year's service discharge a boy from said school as a reward of good conduct in the school, and upon satisfactory evidence of reformation.

Fees. 11. *And be it enacted*, That for hearing every case not upon verdict, and drawing the warrant, certificate and papers, the justice performing such services shall receive a fee of three dollars; and the sheriff, constable or officer executing the order or warrant committing a boy to the said school, shall be entitled to a fee of two dollars, besides the necessary travelling expenses for himself and boy, to be taxed by said justice; and other fees shall be the same as are allowed for similar services in the court of general quarter sessions, all of which fees shall be paid as in other criminal causes in the city or county where such services are rendered.

Vagrants. 12. *And be it enacted*, That if any parent or guardian shall make complaint to a justice of the supreme court that any boy, the son or ward of such parent or guardian, is habitually vagrant and disorderly or incorrigible, it shall and may be lawful for said justice to issue a warrant to the sheriff, a constable or police officer, to cause said boy to be brought before him at such time and place as he may appoint, when and where said justice shall examine the parties and if in his judgment the boy is a fit subject for the Reform School, and there is a vacancy, he may issue an order with the consent of the said parent or guardian endorsed thereon, to be executed by the sheriff, a constable or police officer, committing said boy to the custody of the superintendent of said school for reformation and instruction until he shall attain the age of twenty-one years or for such shorter term as said justice shall direct; *provided*, that security for the payment of the expenses of said complaint and commitment and of carrying said boy to the reform school, at the rates hereinbefore prescribed in other cases, and the expenses of board at such school, may, in the discretion of the said justice be required of the said parent or guardian; *and provided* also, that it shall and may be lawful for the superintendent with the consent of the majority of the trustees at any time to dismiss said boy from the school if he be found incorri-

Proviso.

Proviso.

gible, or if said boy is reformed and suitable to be returned to his home.

13. *And be it enacted*, That sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-two of the act to which this is a supplement be and the same are hereby repealed. Repealer.

14. *And be it enacted*, That this supplement shall go into effect immediately.

Approved, April 3, 1867.

CHAPTER CCLIV.

An act to authorize the Board of Chosen Freeholders of the county of Passaic to borrow money.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Passaic to provide for any indebtedness which may be incurred by them in rebuilding and repairing any of the bridges in said county, which were carried away or damaged by the late freshet, by issuing bonds in the corporate name and under the corporate seal of said county, and to be signed by the director of said board of chosen freeholders and attested by their clerk, for an amount of money not to exceed forty thousand dollars, in such sums and payable at such time or times as the said board of chosen freeholders shall deem proper, and bearing interest at a rate not to exceed seven per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment of the same; *provided*, that no bond shall be sold for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable within ten years from the passage of this act. May borrow money and issue stock.
Proviso.
Proviso.

2. *And be it enacted*, That the said corporation shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and on said indebtedness, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in the said county are assessed and collected, a sum of money sufficient to pay the interest Taxes.

on the said bonds and indebtedness, as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable, and that all such moneys so to be raised by virtue of this act, shall be exclusively applied to the payment of the principal and interest of said bonds and indebtedness as the same may become due and payable.

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

Approved, April 3, 1867.

CHAPTER CCLV.

An act to prevent horses, cattle, sheep and swine from running at large in the township of Upper Penn's Neck, in the county of Salem.

Extended to
Upper
Penn's
Neck.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be and the same are hereby extended to the township of Upper Penn's Neck, in the county of Salem.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same may apply to the said Upper Penn's Neck township, be and the same are hereby repealed.

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

Approved April 3, 1867.

CHAPTER CCLVI.

A further supplement to an act regulating fisheries in Mullica River.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to use any drag net or nets, either singly or together of a greater length than seventy fathoms, or of a less size mesh than three inches any where in Mullica river. Drag nets.

2. *And be it enacted*, That it shall be lawful to use set nets of any kind with meshes not less than three inches in size, and not exceeding in length or breadth forty feet; *provided*, it shall not be lawful to use any set net within forty feet of any other set net or nets, or to obstruct the free navigation of said river, nor within the boundaries of any fishery lawfully held and used, and for which the owner pays tax, and with the boundaries of the same so defined and described as to be known to all concerned, and which shall not exceed in length or breadth three eighths of a mile. Set nets. Proviso.

3. *And be it enacted*, That it shall not be lawful to use any gill net in said river, nor shall it be lawful to use nets of any kind between Green Bank Bridge and lower Deep Point on said river, between the twentieth day of April and the first day of June, in each and every year. Gill nets.

4. *And be it enacted*, That if any person or persons shall use any net or device for the purpose of catching fish anywhere on said river on Sunday, he or they so offending, shall on conviction thereof pay the sum hereinafter stipulated. Fishing on Sunday prohibited.

5. *And be it enacted*, That if any person or persons shall offend against either of the provisions of this supplement, and shall be convicted therefor either in Burlington or Atlantic county, he or they so offending, on conviction therefor, shall pay for every such offence twenty dollars, three-fourths of said sum for the use of the poor of the township in which conviction shall be obtained, and one-fourth to the party who shall sue for the same. Penalty for fishing on Sunday.

6. *And be it enacted*, That the act to which this is a supplement and the supplements thereto, shall be so construed as to give jurisdiction to either of the counties of Burlington or Atlantic, and any person or persons offending against Jurisdiction given to Burlington and Atlantic counties.

the provisions of the act to which this is a supplement, and the acts supplementary thereto, in or upon any part of said river, may be convicted in either of the said counties of Burlington or Atlantic.

Repealer.

7. *And be it enacted*, That all acts and supplements inconsistent with this supplement, be and the same are hereby repealed, and that this act be deemed a public act, and shall take effect immediately.

Approved, April 3, 1867.

CHAPTER CCLVII.

A supplement to an act entitled "An act to alter and amend the charter of the borough of Bordentown in the county of Burlington."

Boundaries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Bordentown (formerly Chesterfield) in the county of Burlington, which is included in the limits and boundaries mentioned, defined and described in the act of February thirteenth, one thousand eight hundred and forty-nine, to which this is a supplement, shall be, and the same is hereby incorporated into a city to be called "The City of Bordentown."

Officers.

2. *And be it enacted*, That for the better ordering and governing of the said city of Bordentown and the inhabitants thereof, there shall henceforth be in the said city one mayor, who shall be a resident within said city, and who shall be keeper of the city seal, a recorder or city clerk, and seven common councilmen, which mayor, recorder and common councilmen, shall be one body politic and corporate in deed, fact, name and law, by the name, style and title of "The Inhabitants of the City of Bordentown," and by the same name shall have perpetual succession, and they and their successors at all times hereafter by the name of "The Inhabitants of the City of Bordentown," shall be persons capable in law to have, purchase, take, receive, possess and enjoy all necessary lands, tenements, hereditaments, liabilities, franchises and jurisdictions, goods, chattels and effects to them and their successors forever, or for any other

less estate, and the same to grant, bargain, sell, alien, convey, demise and dispose of, to sue and be sued, implead and be impleaded in any court of justice whatever, and to make and use one common seal and the same to alter and renew at pleasure.

3. *And be it enacted*, That hereafter it shall not be the duty of the mayor of said city to preside at the meetings of the common council thereof, nor shall he have a casting vote therein, but the said common council when duly elected shall at the first meeting convened after such election, elect one of their own number who shall preside at all meetings of said common council, and perform and discharge all such duties in said meetings as are now incumbent upon the mayor thereof. ^{President of council.}

4. *And be it enacted*, That in order to make the act to which this is a supplement conform to the alterations contained in this supplement the word "city" shall be substituted for the word "borough" whenever the same occurs in the act to which this is a supplement. ^{Word "city" for "borough."}

5. *And be it enacted*, That all parts of the act to which this is a supplement inconsistent with, contradictory to, or repugnant to the provisions contained in this supplement be and the same are hereby repealed. ^{Repealer.}

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

Approved April 3, 1867.

CHAPTER CCLVIII.

An act to provide for the raising of moneys to reimburse and pay persons drafted to the township of Vernon in the county of Sussex, to fill the quota of said township under the call of July, eighteen hundred and sixty-four.

WHEREAS, certain of the inhabitants of the township of Vernon, in the county of Sussex, were drafted in the service of the United States, to fill the quota of said township, under the call of the President of July, eighteen hundred and sixty-four, for three hundred thousand men, of which persons so drafted one entered the said service, others paid the sum of three hundred dollars each to obtain ^{Preamble.}

exemption therefrom; and others paid the like sum of money to furnish acceptable substitutes; therefore,

Vote and
resolution
rectified.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the said vote and resolution of the inhabitants of the said township, be and the same are hereby ratified, and made valid and effectual in law, and that the township committee are hereby authorized and required to assess and collect moneys sufficient to pay to each and every of the persons drafted and accepted to fill the quota of said township under the call for three hundred thousand men, of July, eighteen hundred and sixty-four, a sum of money not exceeding three hundred dollars, and the necessary expenses of assessing and collecting the same, and when so collected to pay the said sum of three hundred dollars to the said several persons so drafted and accepted.

Poll tax.

2. *And be it enacted*, That the said moneys shall be raised by a poll tax of five dollars on each taxable male inhabitant of the said township over the age of twenty-one years, and the residue by a tax levied on the taxable property of the said township, at the same time, or in the same manner and by the same officers as other township taxes are assessed and collected.

Moneys to
be raised by
loan.

3. *And be it enacted*, That the inhabitants of the said township may at their next annual town meeting determine by a majority of votes, whether they will raise the said moneys or any part and what part thereof by loan, and for the amount so determined to be raised by loan, it shall be lawful for the township committee to issue to the corporate name of the said township, and upon the credit and responsibility of the same, obligations payable to such persons, and at such time and place, and to such sums, and at such rate of interest not exceeding seven per centum per annum, as the said township committee shall determine; and the said obligations shall be signed by the collector of the said township and countersigned by the clerk thereof, and shall be negotiated and delivered at a rate not less than the par value thereof, for the payment of the moneys so loaned, and the moneys so raised by loan shall be paid and appropriated to the said several persons entitled thereto, according to the provisions of the first section of this act.

When as-
sessments
may be
made.

4. *And be it enacted*, That if the said moneys shall not be raised by loan, and if the same or any part thereof shall remain unpaid to the persons so entitled thereto on the first day of September next, then the same or such part thereof

as shall remain unpaid, shall be levied, assessed and collected by taxation as hereinbefore required.

5. *And be it enacted*, That at the next town election it shall be the duty of the town clerk to give at least twenty days' notice to the voters thereof that the provisions of this law are for their acceptance or rejection, and should the same be approved by a majority of the voters of said township, then the law is to take immediate effect, but not otherwise.

Duty of
town clerk.

Approved April 3, 1867.

CHAPTER CCLIX.

An act to incorporate "The Union Association of the Children's Home of Burlington County, New Jersey."

WHEREAS, a number of persons, residents of the county of Burlington, in this state, have formed an association, assuming the name of "The Union Association of the Children's Home of Burlington County," the object of which is to provide and sustain a home for destitute legitimate white children, and to afford them the advantages of moral, religious and useful training; and whereas, it is apprehended that the objects of the said association will be promoted by being incorporated; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mrs. Sarah W. Doughten, Mrs. Hannah Gaskill, Mrs. Annie V. Keeler, Mrs. Anna B. Collins, Mrs. Mary B. Risdon, Miss Ann Reeve, Mrs. Ann Eastburn, Mrs. Rebecca W. Clevenger, Mrs. Anna M. Aaron, Mrs. Annie W. Robbins, Mrs. Lydia A. Haines, Mrs. Marietta Haines, Mrs. Louisa Sooy, Mrs. Susan B. Rogers, Mrs. Mary A. Haines, Mrs. Mary F. Slack, Mrs. Meribah D. Bainbridge, and Miss Elizabeth Mills, and their associates be and they are hereby incorporated and made a body politic, in law and fact, by the name, style and title of "The Union Association of the Children's Home of Burlington County," and by that name they and their successors shall have perpetual succession, with power to have a common seal, and the same to change at pleasure, to make contracts relative to the institution, to sue and be sued, implead and be impleaded, and by that

Names of
managers.

name to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee simple or otherwise; and any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever by gift, grant, devise, bequest or otherwise; and the same to grant, convey, assign, mortgage, sell or otherwise dispose of for the purposes of the said corporation, subject, however, to the condition hereinafter contained; *provided, always*, that the net yearly income of such estate shall not exceed ten thousand dollars, nor be applied to any other purposes than those for which this corporation is founded, to fix the quorum of the board of managers, and to establish such by-laws, rules and regulations as shall be deemed necessary or expedient for the due management of the concerns of the said corporation, provided that the same be not repugnant to the constitution of the United States or of this state.

Life mem-
bers.

2. *And be it enacted*, That every person who shall pay to the treasurer of "The Union Association of the Children's Home of Burlington county," an initiation fee of one dollar and twenty cents or more annually, shall be a member thereof while such person so contributes, and every person who shall hereafter pay, or has heretofore paid twenty dollars at one time shall be a member for life.

Election of
managers.

3. *And be it enacted*, That the affairs and concerns of the said corporation shall be conducted by a board of eighteen managers who shall be elected annually from among the members, on the first Thursday of January, in each and every year, and who shall continue in office until others shall be elected in their stead, which election shall be held at such hour, and at such place, and upon such notice, as the board of managers shall think expedient, and in case any vacancy shall happen in said board of managers, by death, removal, resignation or otherwise, such vacancy may be filled by the said board for the remainder of the term or until the next election; *provided*, no person shall vote at any election other than the regular members; *provided, also*, that the managers now acting and mentioned as corporators in this act shall continue to act until others shall be elected.

Proviso.

Officers.

4. *And be it enacted*, That the said board shall as soon as conveniently may be after every annual election, choose by ballot from their number, a president, vice-president, secretary and treasurer, and the duties and powers of the said officers shall be defined by the by-laws of said corporation; *provided*, that the treasurer shall enter into such security as

Proviso.

the said board of managers shall require ; *and provided also*, Proviso. that the officers now elected and acting, be the officers until the next annual election.

5. *And be it enacted*, That there shall be a board of advisers or counsellors consisting of six male members, who shall be elected by the board of managers at the same time, and in the same manner as the officers of the board are elected, and whose duty it shall be to advise the board of managers from time to time in regard to the business of the association ; four advisers shall be a quorum for the transaction of business, no purchase, sale, lease or mortgage, or other disposition of real estate, shall be made or taken, or loans of money made by said corporation, without the approval of a majority of the said board of advisers at any meeting for business, duly certified in writing by the secretary of said board ; and in case any vacancy shall happen in the said board of advisers by death, removal, resignation or otherwise, such vacancy may be filled by the board of managers for the remainder of the term ; *provided*, that William M. Risdon, Henry C. Gaskill, James D. Shreve, D. Joseph Taylor, John Buzby and Franklin B. Levis shall compose the first board of advisers. Board of counsellors Proviso.

6. *And be it enacted*, That it shall and may be lawful for the managers in their discretion, and at their option to take under their guardianship all legitimate white children who are in a state of orphanage, or who from any other cause, are deprived from proper sustenance and support, and who may be placed under their care and management by either of the following modes, viz : children who shall be voluntarily surrendered by their father ; or in case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, then by their mother or by their guardians, by any instrument or declaration in writing ; and in case there be no parents living, or other person or persons who has charge of said children ; then and in that case, any overseer of the poor of any township of the county of Burlington shall be deemed and considered the legal guardians of such children for the purposes of this act, who are hereby authorized to commit such children to the care and management of said board of managers ; and the said managers shall have the guardianship of the said children so placed under their care during their minority, and shall cause them to be educated and instructed in a proper manner, and may, when in their discretion Children that may be taken under guardianship.

it shall appear proper, bind the said children, or place them with such persons as may desire to adopt them, or at service in some suitable employment, and to learn such trades as in the judgment of the said managers will be most conducive to the benefit and advantage of said children; *provided*, that in all cases where said children are bound the indenture shall contain the same covenants required by the twelfth section of the act for the settlement and relief of the poor, passed by the legislature of this state, and approved April tenth, A. D. eighteen hundred and forty-six, and any additional covenants which may be required by statute; *provided*, that the charge and power of the said managers over and upon the said children, shall not extend beyond the age of eighteen for girls and twenty-one for boys, or the said managers in their discretion may return the said children to their parents, or surviving parent, or guardians at any time.

Exempt
from taxa-
tion.

7. *And be it enacted*, That the property and effects of the said corporation held or used for the purposes contemplated by this act, shall be freed from all taxes to be levied under the authority of this state.

Public act,

8. *And be it enacted*, That this act be and is hereby declared to be a public act, and it shall be lawful for the senate and general assembly of this state, at any time hereafter to amend, repeal or modify this act, as they shall think proper.

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

Approved, April 3, 1867.

CHAPTER CCLX.

An act to incorporate the Citizens' Savings Institution of Jersey City.

Names of
corporators

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Hosea F. Clark, Blakeley Wilson, Daniel McCloud, Joseph McCoy, Noah D. Taylor, Isaac I. Van Der Beck, Joseph M. Brown, John Martin, junior, William M. Force, John Neilson, Archibald K. Brown, Horatio M. Ege, William H. Bumstead, Augustus A. Hardenberg,

Job Falkenburgh, William Keene, and their successors shall be and are hereby constituted a body corporate and politic, by the name of "The Citizens' Savings Institution of Jersey City," and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors or assigns, any real and personal estate, or any part thereof, at their will and pleasure; *provided, always*, that the annual value of such real estate and personal estate, exclusive of the profits that may arise from the interest accruing upon the investments or upon the sale of any investments in which the deposits may be made shall not exceed the sum of thirty thousand dollars. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by sixteen managers, five of whom, at least, shall be residents of Jersey City; seven of the managers shall be a quorum to transact business, and the seat of any manager who shall have neglected to attend four successive meetings may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; the managers shall meet annually on the first Monday in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary or convenient for conducting the business of the institution, which officers so chosen and appointed, shall continue in office one year and until others are chosen; and all so chosen and appointed, shall be under oath for the faithful performance of the duties of their offices, respectively, and shall give security when required, for the faithful execution of the duties of their offices, in such sum or sums, and with such sureties as may be directed by the board of managers. Managers.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States. May make by-laws, &c. Proviso.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered, for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe, and Deposits.

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

Interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having one thousand dollars or more deposited, shall be at least at the rate of one per centum per annum less than the interest dividend allowed to other depositors, and that no interest shall be allowed for money which shall have been withdrawn from deposit.

Proviso.

Property that may be received for safe keeping.

6. *And be it enacted*, That the said institution shall have power and authority to receive for safe keeping, upon such terms and conditions, and for such considerations as they may from time to time determine, specie or bullion, gold or silver plate, treasury notes, bonds, mortgages and coupons, paper money, bills receivable, title deeds, and all personal securities, and property of every kind whatever.

Deposits from married women.

7. *And be it enacted*, That the said institution may receive any deposit or deposits of money from any married female in her own name, and to hold the same, together with such dividends as may accrue thereon, as the sole and separate property of the depositor or depositors thereof, as if she or they were single, not subject to the control or disposition, nor liable for the debts of her or their husbands, nor shall money deposited by single women be subject, in case of marriage, to the use or control, nor be liable for the debts of the future husband, and to repay the same, or any part thereof, and the dividends or any part thereof, upon the order, check, receipt or demand of the depositor or depositors thereof, without the knowledge or consent being required of her or their future husband or husbands, and such payment shall exonerate and discharge the said institution from any further liability respecting the said deposit or deposits, and the dividends thereon, to the amount thereof so paid.

Deposits of minors.

8. *And be it enacted*, That it shall be lawful for said institution, at their discretion, to receive from and pay to any depositor, being a minor, such sums as may be to such de-

positor, not exceeding five hundred dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposits shall have been made personally by such minor, and not by any other persons for his or her benefit. Providso.

9. *And be it enacted*, That all certificates of evidence of deposits made under the hand of the proper officer of the institution, shall be as binding as if the same were made under their common seal. Certificates of deposits.

10. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made; and that a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom, in the event of his or death, the money due shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed, shall be a full discharge to said institution. Books to be kept.

11. *And be it enacted*, That the institution shall not be required to receive and deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to five dollars, nor to allow interest on the fractional part of five dollars, nor shall the institution be required to allow interest on the fractional part of a month. Interest on deposits.

12. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any bills or notes; nor shall any manager, officer, or agent of the institution be allowed directly or indirectly, to borrow any money from the said institution, or to use the same, except to pay necessary expenses, nor shall the said institution take or hold any bonds, mortgages, or other securities, for the payment of money drawn or endorsed by, or existing against any manager, officer or agent of the institution. President or manager not to receive emolument.

13. *And be it enacted*, That the said institution shall invest no money in any public stock, other than such as are created under the laws of the United States, or the states of New Jersey and New York, or in the stocks of the city of New- How money may be invested.

ark or Jersey City in this state, or in the cities of New York and Brooklyn, in the state of New York, authorized by the laws of said states respectively, nor on bond and mortgage, except on unincumbered real estate, worth double the amount invested, nor in the stock or loans of any incorporated company whatever.

Vacancies. 14. *And be it enacted*, That the managers shall have power to fill any vacancy which may occur in their own body or its officers, by a vote of the majority of the members present.

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

Annual report to be made. 16. *And be it enacted*, That it shall be the duty of said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, of three or more of their number, of the state of its funds, and such statement shall also be published in one or more of the newspapers published in the city of Jersey City.

Public act. 17. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided* said institution shall be sufficiently described, so as to ascertain the intention of the parties.

Proviso.

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

Approved, April 3, 1867.

CHAPTER CCLXI.

An act to incorporate the German Independent Congregation of Hoboken, New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Frederic Ad. Sorge, Julius Valentine, John D. Lange, Charles Hollman, Ernest I. Loewenthal, Adolph Doudi and Sylvester R. Koehler, and all other persons who are now, or may or shall hereafter become their associates, are hereby created, declared and constituted a body corporate and politic, by the name of "The German Independent Congregation of Hoboken." Names of corporators

2. *And be it enacted*, That the said corporation hereby created shall possess all the powers and privileges that are possessed by religious societies, by virtue of an act entitled "An act to incorporate trustees of religious societies," approved April seventeen, eighteen hundred and forty-six, and that the persons above named shall be the first trustees of said society. Powers and privileges.

3. *And be it enacted*, That the said trustees, when they take upon themselves said name of German Independent Congregation of Hoboken, shall certify such name under their hands and seals and transmit such certificate to the clerk of the court of common pleas of the county of Hudson, whose duty it shall be instantly to record the same according to the law for such cases made and provided. Certificate of name to be recorded

4. *And be it enacted*, That the said trustees and their successors shall by said name be able and capable to acquire, purchase and receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, in trust for the use of said society or congregation to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of, to sue or be sued, implead or be impleaded in any court of law or equity, to make and use a common seal, and the same to alter and renew at their pleasure. May hold real estate.

5. *And be it enacted*, That said corporation or society, at any general meeting of its members duly convened, shall have full power to make and enact such rules and regulations to be observed by its members, and for the government and May make rules and by-laws.

management of its affairs, as shall not be contrary to the laws of this state or of the United States, and from time to time alter, modify and repeal the same.

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

Approved April 3, 1867.

CHAPTER CCLXII.

An act to incorporate "The Smithville and Clarksburgh Turnpike Company."

Names of
commis-
sioners to
receive
subscrip-
tions.

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 Smithville and Clarksburgh Turnpike Company shall be opened by John B. Robins, John H. Whitmore, William I. Davison, John A. Forman, John S. Thompson, Timothy W. Pharo, Lafayette Martain, Thomas E. Gravatt, David B. Ely, James M. Smith, Anthony W. Hendrickson, Samuel Gravatt, junior, and Richard Conover, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and at such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Monmouth.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with the liberty for the said company to increase the same to eight thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred shares shall be subscribed for the persons holding the same shall be, and they are hereby incorporated into a company by the name of the "Smithville and Clarksburgh Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Install-
ments.

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 two of them, which money shall be paid over to the treasurer of the company

as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments, at such times and such places and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in 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*,^{Proviso.} that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*,^{Proviso.} that the stockholders shall upon request have the right to pay the stock subscribed, except the first instalment, by work or labor upon said road, under such regulations, at such time, and upon such notice, by either party, as the directors may determine.

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

5. *And be it enacted*, That when one hundred shares of ^{Election of directors..} 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 expiration of that term 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.

Election 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 a resident of the county of Monmouth, who shall hold his office for one year and until another shall be elected, and receive such compensation for his service 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; and he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority, and perform all the duties herein prescribed.

Powers of
directors.

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

Annual
statement
to be made.

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

Special
meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three o-

the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting, but that no business of the company shall be transacted at such special meeting, 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 said president and directors.

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.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, or any part thereof, from a point at the terminus of the Freehold and Smithville Turnpike at Smithville, in the county of Monmouth, to the village of Clarksburg in said county, at the Shrewsbury road, near Willow Tree Tavern, which said turnpike road shall be constructed, on and along the public highway leading from said terminus of the Freehold and Smithville Turnpike to said Shrewsbury road, except in those places where the said public highway is not straight, then and in those places the said company shall have power to construct the said turnpike road, where they may deem proper; and 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 lands over which the said highway, selected for constructing said turnpike road now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner shall

Company
not to be
dissolved
by failure
to elect.

Power to
construct
road.

Proviso.

Proviso.

sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided, also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Breadth 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, except through the village of Clarksburgh where the width thereof shall be as now used, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon, and the said company shall make good and sufficient bridges along the line of the said road, not less than eighteen feet in breadth, and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to upset 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 said company, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the 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 occupant or occupants, if there be any, and of the owner or owners, if

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

Gates may
be erected.

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

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.

Proviso.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from any funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called on duty by the laws of this state or the United States.

Mile-stones
to be
erected.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and each stone or post shall be fairly and legibly marked the distance the said stone or post is from the commencement of the said road at Smithville, and shall cause to be fixed and always to be kept up at the gates or turnpike aforesaid, in a conspicuous place, a

printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs."

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

Penalty for
defacing
mile-stones
&c.

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

Penalty for
unneces-
sary delay,
or hin-
drance.

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

Penalty for
obstructing
passage.

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

Road and
bridges to
be kept in
repair.

the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken [an] oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a 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 the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, 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 said 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 the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or turnpike to be shut, and the toll [to] be collected as before, and the same fee 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 fee shall be allowed as before prescribed, and paid by the person or persons making the complaint, and in case three of the township committee as aforesaid are not disinterested, then the said justice shall appoint in the same manner as above prescribed, one or more respectable freeholders in the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Time for
commence-
ment and
completion
of road.

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

shall [be] void ; and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

21. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across the said road, and demand and receive toll for travellers thereon, agreeable to the foregoing rates. When toll may be taken.

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

Approved April 3, 1867.

CHAPTER CCLXIII.

An act to incorporate the Jersey Mining and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas C. Oakman, R. Somers Hayes, George Oakman, Thomas F. Hoxsey and John Burr, and their successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Jersey Mining and Manufacturing Company," for the purpose of mining and manufacturing and smelting ores and buying and selling property of every kind or description required in the business authorized by this act, with the power to lease, mortgage or otherwise dispose of the same or any part thereof. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and it shall be lawful for said company to issue certificates in whole or in part payments for any real or personal estate, purchased or leased by said company for the purpose of their business aforesaid. Amount of capital stock.

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

Board of
directors.

company shall be managed by a board of directors of not less than five nor more than seven stockholders as the by-laws of said company shall prescribe, and the said board shall organize by appointing one of their number president, and also by appointing a secretary, and such other subordinate officers as they may deem necessary and proper.

Capital may
be increas-
ed.

4. *And be it enacted*, That the said company may carry on its business of mining, smelting and manufacturing ores into merchantable materials, and carrying on the business thereto, including therein the manufacture and preparation of peat in the counties of Passaic and Bergen, at the discretion of the directors, and that the amount of capital stock may be increased from time to time by order of the board of directors, but shall at no time exceed the sum of three hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall appoint, and that the directors and the president shall hold their respective offices for one year, and until others are legally appointed in their stead.

First
directors.

5. *And be it enacted*, That the election of directors shall be held at such place in the county of Passaic, as the board of directors or their by-laws shall from time to time designate; that the first board of directors shall hold their office until the first day of January, anno domini eighteen hundred sixty-eight, or until others shall be chosen in their stead, and that Thomas C. Oakman, R. Somers Hays, George Oakman, John Burr, Thomas Franklin Hoxsey, shall be the first directors of said company.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the county of Passaic, as a majority of them shall appoint, giving ten days' previous notice to that effect, in one or more of the newspapers published in said county, and when one hundred shares of said capital stock shall have been subscribed for and ten dollars on each share shall have been paid to said commissioners, they shall call a meeting of the subscribers of said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president of said company all moneys, books and papers in their hands as such commissioners.

Install-
ments.

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for in

such amounts, and at such times as they may direct, giving to each subscriber twenty days' notice thereof either personally or by publication of such notice for ten days in some one or more newspapers published in said county of Passaic, and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

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

Approved April 3, 1867.

CHAPTER CCLXIV.

An act to incorporate the Plainfield Quarry Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Stephen Vail, Wallace Vail, Joseph B. Jenkins, Enos W. Runyon, Randolph F. Harriott, William Vail, Lewis Webster and Theodore J. Gillies, their successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Plainfield Quarry Company," and by that name shall have perpetual succession, and all the privileges, franchises and powers incident to a corporation, for the purpose of mining, quarrying, dressing, buying and selling stone of all kinds, and carrying on the business incident thereto, in the counties of Somerset and Union, in this state, and shall have power to acquire, receive, have, hold and enjoy any lands, tenements and real estate in the counties aforesaid; and goods and chattels of whatever kind and quality necessary for the purpose aforesaid; and the same or any part thereof to sell, demise, alien, mortgage or dispose of.

2. *And be it enacted*, That the capital stock of said company shall be eighty thousand dollars, divided into shares of one dollar each, which shall be deemed personal property, and shall be transferable in such manner as the said company shall by their by-laws direct, and when the sum of twenty thousand dollars of said capital stock shall have been subscribed and paid, or secured to be paid, the said com-

Names of
corporators

Amount of
capital
stock.

pany may commence business, and carry it on until they shall deem it expedient to extend their capital, which they are hereby authorized to do from time to time to the amount hereinbefore mentioned.

Board of
Directors.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed by a board of directors of not less than five, nor more than seven stockholders, as the by-laws of said company shall prescribe, who shall hold their offices for one year and until others are legally appointed in their stead, and the said board shall organize by appointing one of their number president, and also by appointing a secretary and a treasurer, and such other officers as they may deem necessary and proper.

Election of
directors.

4. *And be it enacted*, That the election of directors shall be held on the last Monday in May of each year, after the May next ensuing, at such place in the county of Union, and upon such notice as the board of directors or their by-laws, shall from time to time designate, that the first board of directors shall hold their office until the first Monday in June, in the year eighteen hundred and sixty-eight, or until others shall be chosen in their stead; and that Wallace Vail, Randolph F. Harriott, Theodore J. Gillies, Lewis Webster and Enos W. Runyon, shall be the first directors of said company, and at any election of directors, each stockholder shall be entitled in person or by proxy, to as many votes as he shall hold shares of the capital stock of said company.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

5. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock, at such times and places in said county of Union as a majority of them may appoint, giving two weeks' previous notice to that effect, in one or more of the newspapers published in that county, and when twenty thousand shares of said capital stock shall have been subscribed for, and fifty per centum thereon shall have been paid to said commissioners, they shall immediately thereafter call a meeting of the subscribers of said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president all moneys, books and papers in their hands as such commissioners.

Install-
ments.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for, in such amounts and at such times as they may direct, giving to each subscriber twenty days notice thereof, either person-

ally or by publication of such notice for fourteen days, in some one or more newspapers published in said county of Union, and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments made thereupon.

7. *And be it enacted*, That in case it shall at any time happen that an election be not held on the day when by this act it should have been held, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as may be prescribed by the by-laws; *provided*, that in all other particulars the said election be in conformity to this act.

Not to be dissolved for failure to elect.

Proviso.

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

Books of account to be kept.

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

Limitation.

Approved April 3, 1867.

CHAPTER CCLXV.

An act to incorporate "Our Own Flour Mills Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William G. Watson, John Edwards, Robert Hamil, Peter Drew, John W. Rea, Andrew Derrom, David Henry and John Brush, shall be, and are hereby ordained, constituted and declared to be a body politic in fact and in name, by the name of "Our Own Flour Mills Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary and expedient for the object of this corporation.

Names of corporators

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

Amount of
capital
stock.

company shall be two hundred and fifty thousand dollars, with privilege to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shares shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct, and said company shall be established in the county of Passaic, in the vicinity of Paterson.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

3. *And be it enacted*, That five or seven of the above named persons shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and such place or places, as they or a majority of them may think proper, giving at least ten days' notice of the same in a newspaper published in the county of Passaic.

Election of
directors.

4. *And be it enacted*, That at the time of subscribing, ten per centum shall be paid on each share of stock subscribed for to the commissioners, or some one for them, and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give notice for a meeting of the stockholders to choose five or seven directors, or 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 the subscription books and money paid in, deducting all expenses previously incurred to the said directors; then 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 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; 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.

5. *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 are chosen in their places.

Company
not to be
dissolved
by failure
to elect.

6. *And be it enacted*, That five directors of the said corporation shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company, by such 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 regulations 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 seem proper.

Instalments

7. *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 company.

Dividends.

8. *And be it enacted*, That if the said company shall not begin their operations within five years from the passage of this act, that then and in that case this act shall be void.

How made
void.

Approved April 3, 1867.

CHAPTER CCLXVI.

An act to incorporate the Hudson Warehousing Loan and Insurance Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That James Fleming, Delos E. Cul-

Names of corporators	<p>ver, Charles Alden, Joseph G. Edge, Archibald K. Brown, Charles H. Winfield, Henry W. Alden, John Taylor and Job Falkenberg, their associates and successors, are hereby constituted a body politic and corporate, by the name of "The Hudson Warehousing Loan and Insurance Company," and by that name shall have existence as a corporate body for the term of fifty years from the passage of this act, with the right to sue and be sued in any court whatsoever, the right to contract and be contracted with, and to make and use a common seal, and to alter the same at pleasure, and may acquire, have, hold, possess, use and enjoy any real or leasehold estate or personal property necessary to be used in and about the prosecution of their business, and to sell and convey the same at pleasure, and particularly to contract for and build one or more fire-proof warehouses, substantially as follows, in Hudson county, New Jersey: the</p>
Description of building	<p>structure shall consist of several stories, each twelve feet in the clear, with cellar and vaults, with inverted arches and pile foundations, if required, under the sustaining walls and piers; it shall contain independent compartments, each about forty-two and-a-half feet square, with air spaces between or surrounding them, extending from the foundation to the top of the building, and having all the floors laid fire proof, thereby rendering each compartment entirely independent of the others; throughout the depth of the building shall be an open space or corridor eight feet wide, containing openings for elevators, and from which the compartments will be entered at every story through iron doors; the walls, floor and ceilings shall be so constructed as to be impervious to air or water; through the first or basement story, extending from street to street, will be an open space or passage twenty feet wide for receiving and delivering cotton or other merchandise; through this passage carts may drive and load or unload without loss of time or obstructing the streets or sidewalks; there are to be hoistways and elevators worked by steam power; extending through the corridor on each story is to be a main pipe for steam or water, from which a branch leads into each compartment; by this means steam or water can be thrown into either of the compartments at a moment's notice; there is to be a pipe leading from each room to the basement, through which water may pass off; in each compartment will be an electric fire alarm, which, when acted upon by a degree of heat above the temperature of the atmosphere, will cause the ringing of a bell</p>

in the office of the building, and indicate the compartment in which the heat exists.

2. *And be it enacted*, That the corporation hereby created shall have power to take upon deposit as bailees for safe keeping and storage, cotton and other merchandise and personal property generally, and to make insurance against loss by fire on such property, and to do all necessary acts and things to make policies of insurance legal, equitable and binding, and to advance money, securities and credits upon any property so deposited at a rate of interest not exceeding seven per centum per annum; the terms and conditions upon which said property is stored, deposited or insured, and upon which advances are made shall be provided for in the by-laws of said corporation. Rate of interest.

3. *And be it enacted*, That the business and corporate powers of said corporation is hereby vested in a board of directors to consist of nine persons, five of whom shall constitute a quorum for the transaction of business, and those named in the first section of this act as corporators shall constitute the first board of the said corporation, and shall hold their offices for one year from the organization thereof and until others are elected in their place, and the said corporation shall be deemed to be organized when the directors aforesaid shall have elected a president, vice-president and treasurer from their own number, and also a secretary. Organization.

4. *And be it enacted*, That the board of directors shall have power to make all such by-laws, rules and regulations not inconsistent with the constitution and laws of the state of New Jersey, as may be deemed necessary for the government and conduct of its affairs, and the appointment and employment of all necessary servants and agents; and the said corporation are hereby authorized to make, execute and issue in the transaction of their business, all necessary receipts, certificates, contracts and policies, which shall be executed and signed in such manner and form as their by-laws may direct; and it shall be lawful for the board of directors, if they shall deem it necessary, to erect their building or buildings, to borrow such sum of money as they may think expedient, and secure the payment by bond and mortgage in the same manner that an individual might do by the laws of this state. Powers of directors.

5. *And be it enacted*, That all elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; such directors Elections to be by ballot

must be stockholders, and upon any director ceasing to be a stockholder, he shall cease to be a director; the board of directors shall have power by ballot to fill all vacancies occurring in their body.

Advances,
&c., to be a
lien on
property
stored.

6. *And be it enacted*, That all charges, expenses, advances, interest, commissions and premium of insurance due, shall be a lien on the merchandise or property so stored with the said corporation; and in case the same or any part thereof shall be in arrears and unpaid, or in case any merchandise or property deposited with the said corporation, upon which advances shall have been made by them, shall before the maturity of the contract, from any cause decrease in value from the price originally fixed, or be unclaimed for one year said company shall give notice to the owner of such property or to his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and within ten days after such notice, and in default thereof, may sell and dispose of such property, or so much thereof as may be sufficient to satisfy the amount due thereon, at public sale, after three weeks' publication of notice of time and place of sale, in not less than two newspapers published in the county, or upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character or value of the property mentioned in or affected by said contract, and out of the proceeds thereof may reimburse themselves for the moneys due them, with the interest, reasonable costs and charges, and may indemnify themselves for any loss they may have sustained through the non-fulfilment of the said contract, decrease in value of property or misrepresentation; *provided however*, that nothing in this section contained shall be construed to prevent the said company from making any such sale at such time and in such manner as may be provided for in any contract or agreement made by any person or persons with the said company.

Proviso.

Amount of
capital
stock.

7. *And be it enacted*, That the capital stock of said corporation shall consist of five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the by-laws may prescribe, and the same may be increased in case a majority of the stockholders so determine to an amount not exceeding one million of dollars; said corporation may commence business and shall be deemed fully organized when the sum of fifty thousand dollars

of the capital stock shall have been subscribed for and paid in.

8. *And be it enacted*, That the directors shall from time to time require the stockholders respectively to pay the amount of their subscription for stock at such times and in such proportions as shall be agreed upon in contract of subscription under the penalty for non-compliance, with such contract of forfeiture to the company of said shares, and of all previous payments thereon, or said directors may collect the same by action at law. Forfeiture.

9. *And be it enacted*, That the stockholders of said corporation shall be severally liable for all debts and liabilities of the said corporation to an amount equal to the amount of the stock held and owned by them respectively until they shall have paid the amount of their stock in full. Stockholders liable.

10. *And be it enacted*, That said company or corporation shall not be permitted to store or keep coal or kerosene oil in said building or upon any lot or ground, or upon any dock, wharf or pier within the limits of Jersey City or Hoboken. Certain oils not to be stored.

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

Approved April 3, 1867.

CHAPTER CCLXVII.

An act to incorporate "The Hudson County Land and Improvement Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew Armstrong, James Clark, Henry D. Van Nostrand, George W. Howe and Stephen B. Vreeland, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Hudson County Land and Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate in the county of Hudson, as may be necessary or expedient to the objects of this incorporation, and may receive and make all Names of corporators

deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for said purposes.

Election of
directors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than five nor more than nine directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, and who shall hold their offices respectively for one year and until others are elected, and that the said directors shall be chosen on the first Monday of June in every year, and at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose either in person or by proxy, and notice of the time and place of such election shall be published not less than two weeks' previous thereto, in a newspaper printed in the county of Hudson, and such stockholder shall be entitled to one vote for each share which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation, and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, and until other directors are chosen by the stockholders; the first directors shall be Matthew Armstrong, James Clark, Henry D. Van Nostrand, George W. Howe and Stephen B. Vreeland, who shall hold their offices until the first Monday of June next, or until others are legally chosen.

Names of
first direc-
tors.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing it to three hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, paid or secured to be paid, it shall and may be lawful for the said corporation to proceed to carry into effect the object of said corporation, and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such in-

instalments and at such times and in such proportions as they shall deem proper, not exceeding ten dollars on each share, at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Hudson, or be given in writing to the stockholder for the like space of time before such instalments are required to be paid, and in case of the failure of any stockholders to pay his or her instalment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares and all previous payments thereon, for the use of the company; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time in the said county of Hudson as the directors shall appoint, notice being given previous thereto, for two weeks in a newspaper published in said county, and the shares of said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, subject to the regulations of the municipal authorities of any cities, towns or villages in which such improvements may be proposed, or by erecting or causing to be erected thereon, buildings of every name or description, and for all proper and legitimate uses and purposes, or by laying off such lands and real estate into lots, and to use the same for agricultural purposes, or in any other way that the said corporation may deem necessary and advisable, and to purchase and make up and manufacture, sell and dispose of all materials pertaining to the erection of such buildings; and the said company may purchase manufacturing, buildings, lands, materials or other property, and issue stock to 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.

5. *And be it enacted*, That the said company may act as agents in the purchase, sale or exchange of real estate, effecting insurance, collecting rents, interests, &c.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the

May hold
real estate.

Insurance.

Directors
may make
by-laws.

business of said corporation, and shall have full power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects, and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Not to be dissolved by failure to elect.

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

How dissolved. *Provido.*

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

Restrictions and liabilities.

9. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable, and that this act shall take effect immediately.

Approved, April 3, 1867.

CHAPTER CCLXVIII.

An act to incorporate The Hamilton Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That H. M. Hamilton, Samuel Loomis, Lewis M. Birge, A. B. Clark and E. P. Clark, and such other persons as they may hereafter associate with them, be

Names of corporators

and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Hamilton Land Improvement Company," to have a corporate seal, to sue and be sued by their corporate name, and their corporate name to purchase, hold, improve and sell real estate, or any interest therein, to establish on such real estate as they may purchase and hold, a settlement or colony of settlers with educational and religious institutions.

2. *And be it enacted*, That the capital stock of said company shall consist of five thousand shares of one hundred dollars each, with the liberty to increase the same from time to time not exceeding ten thousand shares, which shall be deemed personal property, and transferable in such manner as the company may by their by-laws direct. Amount of capital stock.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, shareholders in such company, a majority of whom shall be residents of this state, who shall be chosen annually at such place in the county of Burlington, and at such times and in such manner and upon such notice as the by-laws of said company shall direct; each share of the capital stock entitling the holder to one vote either by person or by proxy, and that H. M. Hamilton, Samuel Loomis, Lewis M. Birge, A. B. Clark and E. P. Clark, shall be first directors under this charter, to continue in office till others are elected or appointed in their stead, and they shall have power to fill any vacancy which at any time may exist in the board by death or otherwise until the next succeeding annual election. Names of first directors.

4. *And be it enacted*, That the directors of said company, a majority of whom shall constitute a quorum competent to transact all business, shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient. Officers.

5. *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 purchase, hold, use and improve, sell and dispose of real estate or any interest therein in the state of New Jersey, to survey such real estate as they may purchase, to lay it out into such lots, to lay out and establish or vacate thereon such streets or lines of division, and to sell it in such lots and May hold real estate.

at such prices as shall to said company seem best calculated to improve and build up said settlement.

Deeds of conveyance

6. *And be it enacted*, That any conveyance, deed, lease, agreement or other instrument signed by the president and secretary of said company and duly acknowledged according to the laws of the state of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained.

Sale of intoxicating liquors may be prohibited.

7. *And be it enacted*, That for the purpose of restricting nuisances, and of compelling a uniform system of improvement in said settlement, the said company are hereby authorized and invested with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition forbidding the sale upon the premises so conveyed by said company of any spirituous or intoxicating liquors, and forbidding any other nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any conveyee of said company to make and maintain such style and character of improvements on said lots so conveyed or on the streets fronting thereto, as to the said company may seem most expedient for securing a uniform system of development and improvement throughout the said settlement.

Penalty may be exacted.

8. *And be it enacted*, That for the purpose of enforcing the provisions of the last section, the said company are hereby authorized and invested with power to attach to said claim to restrict nuisances, and regulate improvements, a penal sum which said conveyee or grantee shall forfeit upon any non-fulfilment or non-compliance therewith, and said sum the said company may recover in any court of record having competent jurisdiction in actions of debt.

May lay rails.

9. *And be it enacted*, That for the purpose of promoting the accessibility of said settlement to the markets of the country, the said company are hereby authorized and invested with all the rights and powers necessary and expedient to construct to said settlement from the tracks of any railroad company within seven miles thereof a branch railroad not exceeding seven miles in length, and in surveying the line therefor in securing the right of way therefor, and in constructing and operating said branch, said company shall be governed by the provisions contained in the sixth to the twenty-first sections inclusive of the act to incorporate the

Pemberton and Hightstown railroad, approved March twenty-fourth, eighteen hundred and sixty-four.

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 profits of said company. Dividends.

12. *And be it enacted*, That said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to carry out the 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 lands, privileges, franchises and appurtenances, of and belonging to said company, said bonds bearing not more than seven per centum interest per annum. May borrow money.

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

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

Approved, April 3, 1867.

CHAPTER CCLXIX.

A further supplement to the act entitled "An act to incorporate the New Jersey Turnpike Company."

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 president and directors of the New Jersey Turnpike Com-

Power and
authority to
sell portion
of turnpike
road.

pany, and they are hereby authorized and empowered to sell and convey to the New Brunswick and Bound Brook Railroad Company, all that portion of the turnpike road of said first mentioned company which lies between the eastern end or terminus of said turnpike in the city of New Brunswick and the railroad crossing at the easterly end of the village of Bound Brook, to be held and owned by said railroad company for such uses and purposes, and subject to such liabilities and restrictions as may in the act incorporating said last mentioned company be set forth and imposed upon them; and upon such conveyance being made and accepted, the president and directors of the New Jersey Turnpike Company shall be discharged and forever released from all liability to amend, repair and keep in order such portion of said turnpike road so conveyed.

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

Approved, April 3, 1867.

CHAPTER CCLXX.

An act to incorporate the Farmingdale and Squan Village Railroad Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Osborn Curtis, Pitney Curtis, James M. Allen, James L. Allgor, John Remson, Grandin G. Vannote, Thomas J. Branin, Benjamin D. Pearce, John E. Tilton, J. B. Gifford, Samuel Williams and Brittain Hurley, 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, in fact and in name, by the name of "The Farmingdale and Squan Village Railroad Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable of purchasing; holding

and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this corporation.

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

Amount of capital stock.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places, as they or a majority of them may think proper; and at the time of subscribing for said stock two dollars on each share subscribed shall be paid to said commissioners, that whenever there shall be five hundred shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose five directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president, and in case of death or 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 of the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide; each director shall own in his own right at least five shares of the capital stock, any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place.

Commissioners to receive subscriptions to capital stock.

Election of directors.

Not to be
dissolved
by failure
to elect.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed 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.

Instalments

5. *And be it enacted*, That three directors of the said corporation shall be competent to transact all business of the said corporation and shall have power to call in the capital stock of said company by such instalments (not exceeding ten dollars on each share at any one time), and at such time as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other, and in case of 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 a secretary and so many clerks and servants as to them seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Proviso.

Power to
survey and
construct
railroad.

6. *And be it enacted*, That the president and directors of the said company be, and they are, hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate and construct, maintain and operate a railroad from some point in the township of Howell, in the county of Monmouth at or near the village of Farmingdale, to some point in the township of Wall, in said county, at or near Squan village, with the privilege of connecting the said road with any road or roads of the Squankum Railroad, and Marl Company, or with the Raritan and Delaware Bay Railroad Company or both; 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 or water, for the purpose of exploring, surveying, leveling, or laying out the route or routes of such railroads or lateral roads, 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 or lateral roads shall have been deter-

mined upon, and a survey of such 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, to so 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 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 or railroads 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.

7. *And be it enacted*, That if the owners of the lands on which said railroad or railroads shall be made, shall not be willing to give the same for such purpose, and the said company or owners cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and awards as to them shall appear just and proper, and transmit such award and decision, with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the

Proviso.

Proceedings when company and owners cannot agree.

decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, within five days' notice in writing to the opposite party, of such appeal which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with cost, against the company, and execution issued if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct, and upon payment or tender of the sum so found by the commissioner, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Proceed-
ings in case
of legal
disability of
owners.

8. *And be it enacted,* That in case any owner or owners of such land and real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement and witnesses fees.

Bridges to
be kept in
repair.

9. *And be it enacted,* That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, when 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; and if the company neglect to perform the same, after giving twenty days' notice to the company by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

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*, they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads, or six 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 railway 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, improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Power to
operate
railroad.

Rates of
fare.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper, of the net proceeds thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Dividends.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad constructed under the provisions of this act by the said company, 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

Penalty for
obstructing
road, &c.

of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; *and further*, shall be liable for all damages.

May hold
real estate.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rent, profits and emoluments thereof, and shall have the privileges and authority to erect, build and maintain such bridges over all streams of water on the line of the said road as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Statement
of cost and
expenses of
railroad to
be made.

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

Proviso.

15. *And be it enacted*, That at any time after the expira-

tion of fifty years from the completion of 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 the legislature within one year from the time of their appraisement, 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 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 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 such 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 thereto 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 to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of stock; and the valuation shall in no case exceed the first cost or valuation of said road with the appendages thereof.

16. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed within ten years from the first day of July next, then and in that case (except as to the part constructed), this act shall be void.

17. *And be it enacted*, That the governor, attorney general, the chancellor, the justices of the supreme court, the judges of the court of errors of this state, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their offices, and the members

Proceed-
ings when
the legisla-
ture elects
to take the
railroad.

Proviso.

Act how
made void.

Who may
ride free.

and officers of both houses of the legislature of this state shall pass and repass over said railroad in the cars thereof free of charge.

May lease
or consoli-
date.

18. *And be it enacted*, That the president and directors of said company be, and they are hereby, authorized and empowered, if at any time they shall deem it the interest of the company so to do, to lease said road to or consolidate with either of the connecting railroad companies by the consent of the stockholders owning or representing two-thirds of the stock; the lessor company shall be subject to all the restrictions and liabilities and entitled to all the privileges of this act, so far as the operating of this road is concerned, anything in their charter to the contrary notwithstanding.

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

Approved, April 3, 1867.

CHAPTER CCLXXI.

An act to incorporate the "Fenwick Fire Company" of Salem, in the county of Salem and state of New Jersey.

Preamble.

WHEREAS, a number of citizens of the city of Salem, in the county of Salem, and state of New Jersey, have associated themselves together, under the name of the "Fenwick Fire Company," for the protection of the lives and property of their fellow citizens from destruction and loss by fire; *and whereas*, the said citizens believing they would be advantaged by having an enactment from the Legislature of this state conferring the power of a corporation upon them, respectfully ask that the same may be granted them; therefore,

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Ramsey, Robert Grier, John R. Ballinger, Simon B. Smith, Elijah Simpkins, Albert Stephenson, William B. N. Gifford, Benjamin Lippincott, Joseph L. Orr, James P. Fogg, Samuel Borden, Andrew Remster, Joseph Tash, Samuel Nichols, Nicholas R. Treen, Thomas Glenn, Charles R. Ware, Edward B. Engle, Frank Nettinger, and all such other citizens of the city of Salem, not exceeding one hundred in number, as now are or hereafter shall be-

come associates of the Fenwick Fire Company of the city of Salem, and their successors, be and they are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "The Fenwick Fire Company of Salem."

2. *And be it enacted*, That the said corporation, by such name shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and that they and their successors respectively may have and use a common seal and have power to make, change and alter the same at their pleasure, and by their common seal may enter into and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full full power and authority to make, form and adopt such by-laws and regulations for their government not inconsistent with the laws of this state or the United States, as they shall think proper.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing and maintaining the engine, hose, buckets, and other implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of the citizens of Salem from injury or destruction by fire.

4. *And be it enacted*, That the said company shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor.

5. *And be it enacted*, That it shall be lawful for the Senate and General Assembly of this state at any time hereafter to amend, modify or repeal this act as they shall think proper.

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

Approved April 3, 1867.

CHAPTER CCLXXII.

An act to incorporate the Bridgewater Hotel Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Doughty, Hugh M. Gaston, Eugene S. Doughty, William G. Steele, Albert Cammon, Nelson Young and Aaron D. Hope, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Bridgewater Hotel Company," and by that name shall have power to lease, purchase, and hold real estate at or near Somerville, in the township of Bridgewater, county of Somerset, and state of New Jersey, and to erect and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public, and to mortgage said real estate with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding or mortgaging of said premises or otherwise controlling or disposing of the same.

Amount of
capital
stock.

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

Commis-
sioners to
receive
subscrip-
tions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times in the said county of Somerset, as a majority of them may appoint, giving previous notice thereof in a newspaper published in said county for two weeks, at least once each week, and as soon as twenty thousand dollars of said capital stock is subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders for

the purpose of organizing said corporation and electing directors, giving notice thereof in a newspaper of said county, as said commissioners, or a majority of them shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

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

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

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

Approved April 3, 1867.

CHAPTER CCLXXIII.

An act to establish Free Public Schools at Englewood, in the county of Bergen.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hackensack bounded and described as follows, viz: beginning at a point in the middle of Overpeck creek, in the southerly line of lands of Thomas W. Demarest, running thence (1) easterly along said southerly line to the westerly boundary line of school district number thirteen; thence (2) northerly along said westerly boundary line to a point in range with the centre line of Slocum avenue (as said avenue is laid down on a "map of property of Thomas W. Demarest and others, Englewood, Bergen county, New Jersey," and on file in the clerk's office of Bergen county,) thence (3) westerly, in range with and along said centre line to the Boundaries

middle of the public road in front of the dwelling house of Garret S. Banta; thence (4) westerly along the middle of said public road to the middle of the public road leading from the Liberty Pole to Schraalenburgh; thence (5) south-easterly, along the middle of said road to the westerly branch of Overpeck creek; thence (6) along the middle of said branch, the several courses thereof, to the Overpeck creek and down the same to the point of beginning, together with the whole of school district number thirteen, as the same is now bounded and described on the record, be and the same is hereby constituted a school district, and that Richard K. Cooke, Cornelius Lydecker and Moses E. Springer, shall be the trustees thereof until the first Monday in April, eighteen hundred and sixty-eight, and that they and their successors are hereby incorporated by the name of "The Trustees of Englewood Free School District."

Corporate
name.

Children to
be taught
free of
charge.

Money to be
raised by
taxation.

2. *And be it enacted*, That all children between the ages of five and eighteen years residing in said district shall be taught in the school or schools thereof free of charge, and other children may be taught therein on such terms as said trustees shall prescribe.

3. *And be it enacted*, That the moneys needed in addition to the funds which shall be apportioned to said district or received by said trustees from other sources, to procure lands for school purposes, to build, repair or alter school buildings, to procure school furniture and apparatus, to pay insurance, teachers' wages and all expenses necessary and proper for educational purposes shall be raised by taxation; said trustees shall annually determine the amount needed and give two weeks' notice of such determination by advertisements set up in at least three public places in said district, calling a meeting of the taxable inhabitants of said district at least fifteen days after the annual election of trustees, and a majority of the taxable inhabitants of said district there present may order any other sum to be raised in lieu of the sum so agreed on, and said trustees or a majority of them, shall forthwith certify to the assessor of said township the amount so ordered, or if none be ordered the amount so determined, which certificate shall be conclusive as to said amount, and said assessor shall assess the same on the persons and estates of the inhabitants of said district and all lands liable to be taxed therein, in the same manner as township taxes are assessed, such poll tax to be two dollars per head, and the collector of said township shall collect

the same at the time and in the same manner as other township moneys are collected, and shall on or before the twentieth day of December next ensuing said assessment, pay over the same unto said trustees or to their treasurer, but said moneys so to be raised shall not exceed three thousand dollars per year.

4. *And be it enacted*, That said trustees may from time to time borrow money in anticipation of taxes not exceeding in amount such sum as shall have been certified to the assessor in manner above provided and not yet collected, and it shall be lawful for said trustees to borrow for educational purposes and to secure the same by mortgage upon the property of said district such sum as they may be authorized to borrow upon mortgage by vote of a majority of the taxable inhabitants of said district present at a meeting called for that purpose by said trustees by advertisements set up in three public places in said district at least two weeks next preceding said meeting. May borrow money.

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

Approved, April 3, 1867.

CHAPTER CCLXXIV.

An act to incorporate the Philotechnic University of the City of Camden.

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 Frederick Bourquin, Jesse W. Starr, Rodolphus Bingham, Jonathan Burr, Peter L. Voorhees, John F. Starr, Thomas F. Cullen, and their associates shall be and they are hereby created a body corporate and politic, by the name and style of "The Philotechnic University," to be located in the city and county of Camden, and state of New Jersey, 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 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 Names of
corporators
Corporate
name.

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 and holding any estate, real and personal, for the use of said corporation, the income of which shall not exceed the sum of ten thousand dollars per year, for the purpose of establishing, maintaining, endowing and conducting said institution for the instruction and education of youth of both sexes; *provided always*, that no part of said fund shall be used for banking purposes.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty-five thousand dollars, to be divided into shares of five dollars each, with the privilege of increasing the same to fifty thousand dollars at any time, and that the subscription to the said capital stock be received by and under the direction of the trustees hereinafter named, and their successors according to such form as may be prescribed by said trustees; *provided*, that the payment of one dollar on each share when subscribed shall be required; *and also*, that each stockholder shall be entitled to one vote for each share owned by him or her; and the said shares shall be assignable and transferable according to such rules as the board of trustees shall make.

Proviso.

To be managed by a board of trustees

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by a board of thirty trustees, and that nine of them shall form a quorum for the transaction of business; that the said trustees shall have power to elect the faculty and teachers of the institution, form regulations and by-laws, prescribe the course of study, attend the examination and regulate the government and instruction of the students, and that it shall be lawful for the trustees to require payment of the sums subscribed [to] the capital stock at such times and in such proportions and on such conditions as a majority of them shall see fit; and shall have power to collect from subscribers the amount due on their respective share or shares, first giving notice of the instalments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a notice to be delivered to the subscribers; and in no case shall any payments be forfeited, but may be transferable agreeably to the by-laws of said corporation.

Appointment of trustees.

4. *And be it enacted*, That there shall always be thirty trustees of the said corporation, who shall be appointed by the stockholders; the said trustees shall be divided by lot into

three classes, to be numbered one, two and three; the place of the first class shall become vacant in one year from the time of their appointment, the second class in two years, and the third class in three years; and that Frederick Bourquin, Jesse W. Starr, Rodolphus Bingham, Jonathan Burr, Peter L. Voorhees, John F. Starr, Thomas F. Cullen, Lorenzo F. Fisler, Sinnickson Chew, Henry M. Innis, James M. Ridge, William B. F. Wood, John McNeill, Henry Curtz, John G. Miller, Samuel B. Garrison, James H. Stevens, Alexander H. Hamell, John R. Brick, Richard M. Cooper, Joseph B. Dobbins, Stephen D. Button, Benjamin F. Day, Charles Stockham, William Curtis, William Stiles, John D. Tustin, John Somers, Floyd Chamberlain and George S. Woodhull, shall be the first trustees of said corporation, and act until others are chosen in their places; and that on the first Tuesday of April, one thousand eight hundred and sixty-eight, and the first Tuesday of April in every succeeding year, at a meeting of the stockholders at some convenient place in the city of Camden, to be designated by the by-laws of the said corporation, a majority of the electors who shall attend in person or by proxy for the purpose, shall elect by ballot ten of the stockholders to fill the vacancy occasioned by the class whose term of service shall expire, to be trustees of the said corporation for the three years next ensuing, and that the said trustees shall yearly and every year make a report in writing and present the same to the stockholders at their annual meeting, of the state and condition of the funds and property belonging to the said corporation, and of the number of students that shall have been taught at said university during the preceding year, and that the said trustees may choose from among their number a president, treasurer and secretary, and shall have full power to fill vacancies which may from any cause happen in their body, until the next election, as hereinbefore mentioned, and that the said trustees shall cause the said treasurer to give bond from time to time, in such sum and upon such conditions as may be required.

Names of
first
trustees.

Funds not
to be ap-
plied to
sectarian
purposes.

5. *And be it enacted*, That no part of the said funds of the corporation hereby created shall ever be applied for the support of a theological seminary, but shall be devoted exclusively to the cultivation of literature, the sciences, and the fine arts, according to the true intent and meaning of this charter, and that in the reception of pupils at the said university, and in the regulation of said pupils when there,

no distinction shall at any time be made on account of their religious opinions; and in no case shall said institution become sectarian, but be and remain open to all, without regard to their religious opinions.

May be
repealed.

6. *And be it enacted*, That this act may be repealed; altered or modified by the legislature of this state, whenever in its opinion the public good shall require.

Approved April 3, 1867.

CHAPTER CCLXXV.

An act to incorporate "The Longwood Valley Railroad."

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles McFarlan, Henry McFarlan, John Keane, Simon Misell, James H. Neighbour, Horace Chamberlain, John P. Brown, Albert R. Riggs, A. H. Stansborough, Charles King, E. M. White, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of "The Longwood Valley Railroad Company."

Amount of
capital
stock.

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

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions of the capital stock of said corporation at such times and places as they, or a majority of them, may think proper, giving notice thereof for at least ten days prior to the opening of said books, by publishing the same for that period in one newspaper published at Morristown and in at least one newspaper published in Paterson and Newton, in this state.

Election of
directors.

4. *And be it enacted*, That at the time of subscription for said stock the sum of five dollars shall be paid on each share subscribed for, to the said commissioners above named and when two hundred shares of the capital stock shall have

been subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose seven directors, a majority of whom shall be residents in this state, the election shall be held in this state and by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote, and the said above named corporators, or any two of them who shall attend for that purpose shall be inspectors of such election of the first directors of said corporation and shall certify under their hands the names of the directors duly elected as such, and shall deliver over to them the subscription books and the money paid in, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this state, and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them, and the directors chosen at any of the elections of said corporation shall as soon as may be after every election, choose out of their number a president, who shall be a resident of this state, and in case of the death, resignation or removal of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein this may happen, by the said board of directors, or a majority of them, at any meeting of said board for that purpose duly called; 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 said corporation shall provide.

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 should 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, on like notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their places.

Not to be dissolved by failure to elect.

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments not to exceed twenty-five dollars on

instalments

Proviso.

each share; *provided*, that no two instalments shall be demanded within thirty days of each other, 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.

May lay out
and con-
struct rail-
road.

7. *And be it enacted*, That the president and directors of said corporation shall 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 convenient and suitable point on the New York state line, within five miles of the "Wawayanda Mine," in the county of Sussex, and to run thence by the way of the Longwood Valley, to some convenient and suitable point on the Morris and Essex Railroad, within five miles of Baker's mills, in the county of Morris, by a convenient route or routes, and of constructing such spurs or branch roads as may be necessary for the making connections with, and to afford access to adjacent mines in the counties of Passaic, Morris and Sussex, subject to the restrictions herein contained; and it shall be lawful for said company to lay out and locate said railroad and spurs or branches, hereby authorized, sixty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate lands necessary for such purposes in the manner and form, upon making payment therefor as is hereinafter provided; and for the purpose of cutting embankments and the procuring of gravel and stone, may in the manner, form and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road, and said company are invested with all powers necessary or convenient to survey, lay out, construct and maintain said road and spurs or branches, and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands and waters for the purpose of exploring, levelling, surveying and laying out a practicable route for such railroad and spurs or branches, and of locating the same, doing no unnecessary damage to private property, and when the route and location of said road or the branches or spurs, or either or any portion thereof, shall have been settled and determined upon, then it shall be lawful for said company by its officers, engineers, superintendents, contractors, workingmen and other persons in their employ to enter upon, take possession of, hold, use, occupy and excavate any

such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the completion and repairs of such railroad and branches, and to carry into full effect the objects of this act, when and so soon as said corporation shall have obtained the right and title to the lands, or the use of the same, upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulations, and upon such terms as are hereinafter provided for.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of any such required lands for the use or purchase thereof, or in case the owner or owners of any such required lands shall neglect or refuse to accept the offer of the said company, to submit to the arbitration by three residents and freeholders of said county in which said lands lie, of the value of and damages to the said required lands by the location and construction of said railroad over the same, one arbitrator to be named by the owner or owners of the said lands, one by the said company, and the two thus chosen to select a third, the decision of a majority of whom shall be conclusive and binding upon both parties, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said company in the construction of the said road, and impossible to be obtained by the means or by reasons of the disabilities aforesaid shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which said lands lie, commissioners to examine and appraise the said

Proceed-
ings when
company
and owners
cannot
agree.

lands, and assess the price or value of the same, and the damages sustained by the owners thereof arising from the removal, making and maintaining the fencing on the line of the said railroad through any improved lands over which the same may run, upon such notice not less than ten days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of commissioners, and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to view and examine the said lands, and to make a just and equitable appraisal or estimate of the value of the same, and an assessment of the damages thereto, which shall be paid by the company for such land and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths or affirmations aforesaid, in the clerk's office of said counties in which said lands lie, to remain on record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to hold, have, use, occupy, possess and enjoy the said land; and either of the justices of the court shall, on application of either party, on reasonable notice to the others, tax and allow such fees, costs and expenses to the justices, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and order and direct the same to be paid by said company; *provided, always*, that if the owner or owners of the said land shall elect not to receive the sum awarded by the commissioners for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the company thereof in writing within ten days after said award, the company shall retain the said sum, and themselves make, remove, and forever thereafter maintain said fencing.

9. *And be it enacted*, That in case the said company, or the owner or owners of land and materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power upon good cause shown to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises or materials to be had and the said issues to be tried at the next circuit court to be holden in the said county in which the said lands lie, 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 lands or materials, and damages sustained as aforesaid, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, their judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by said jury or execution awarded therefor as the court shall direct, but such application shall not prevent the company from taking the said land upon the filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof, being under legal any disability, or residing out of this state, the same being first paid into the court of chancery.

Proceed-
ings in case
of appeal
from report
of commis-
sioners.

10. *And be it enacted*, That it shall be the duty of the said company, in order to avoid cutting the adjacent farms to lay their tracks along the side of the public roads, or along the lines of division between real estate owners, so far as the directors shall deem the same practicable, and to construct and keep in repair, good and sufficient bridges, or passages, over or under the said railroad, when any public road or any other road now in use, or hereafter shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and good and sufficient fences along the said railroad where the said company assume or are by the provisions of this act compelled

Bridges to
be erected
and kept in
repair.

to maintain the same ; and also where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same ; and that for all injuries and damages to the property, real or personal of any person occasioned by, through or in any way by reason of the neglect carelessness, intent or act of the said company, their agents, employees or property, the said company shall become, and be responsible therefor and liable to pay the same, to be recovered in any court of record of competent jurisdiction in this state.

Power to
operate
railroad.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, and place and run on said railroad, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of any species of property, as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of every species of property whatsoever thereon, as they from time to time shall think reasonable and proper, not exceeding twelve cents per ton per mile on so much of any description of freight as shall pass over the whole length of the said road, nor exceeding fifteen cents per ton per mile on any freight which shall pass over a distance less than the whole length of the road, and the said railroad and its appendages, and land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of the charter.

Rates of
fare.

May hold
real estate.

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, depots and such other buildings and improvements as may be necessary for the safety of their property and the transaction of their business, and in case of the inability of said company to obtain the legal title to any land, authorized by this section or to any part thereof, by agreement with and purchase from the owners thereof, then it shall be lawful to acquire and obtain the same in the same manner, and by proceedings of

the same character as they are authorized to take in order to obtain and secure the right of way for said railroad, and in case where the owner of such land, or in any land in this act named, shall be a feme covert, in part non-residents, or laboring under any disability whatsoever, the amount of any award to be made by commissioners in such case shall be paid into the court of chancery, and full and complete title to such land so taken, shall thereupon rest in the said company.

13. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery, or works of said corporation, such person or persons shall forfeit and pay therefor to the corporation, the sum of fifty dollars, in addition to three times the amount of damages sustained by means of such injury to be recovered in the name of the corporation with costs of suit in any court having cognizance of the same.

Penalty for
injury to
road, works
&c.

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

Statement
of cost and
expenses to
be made.

Proviso.

tax or impost shall be levied or assessed upon said company.

Proceed-
ings in case
of error in
acquiring
title.

15. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew, in the manner hereinbefore provided and directed to acquire the right and title to any such lands.

May make
contracts.

16. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation, or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

How made
void.

17. *And be it enacted*, That if the corporation hereby created shall not, within three years from the first day of January next, commence the construction of said road and within five years thereafter, construct, finish and put in operation the said railroad, then as to such parts not constructed, this act shall cease, and be null and void.

Company
may issue
bonds.

18. *And be it enacted*, That the said company shall have the power, and they are hereby authorized, to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity; and the purchaser or purchasers under a decree in equity or foreclosure founded upon any such bond or mortgage shall be invested with all the estate, rights, franchises, powers and privileges, which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

Who may
ride free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the

court of errors of this state, while traveling for the purpose of discharging the duties of their office, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company in their cars, free of charge.

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

Approved, April 3, 1867.

CHAPTER CCLXXVI.

An act to incorporate the Millstone and Trenton Railroad Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Elisha B. Wood, J. B. Reed, Abraham J. Skillman, Zephaniah Stout, Cornelius A. Cruser, A. G. H. Stout, Stephen Blackwell, Thomas P. Moore, Ripley T. Martin, George Corwin, William B. Curlis, William A. Green, Thomas F. Howell, William Dolton and Charles Moore, and such other persons as may be hereafter associated with them, shall be, and are hereby, ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Millstone and Trenton 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.

Names of
corporators

2. *And be it enacted*, That the capital stock of the said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal-property, and 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; and as soon as one hundred and fifty thousand dollars of the capital stock shall be subscribed such commissioners, or a majority of them shall give notice for a meeting of the stockholders to choose

Commissioners to
receive sub-
scriptions
to capital
stock.

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 above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of
president.

4. *And be it enacted*, That the directors chosen at such meeting and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise, until the next succeeding annual election.

Election of
directors.

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks in one of the newspapers published in the counties of Somerset and Mercer, and such elections shall be made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; seven directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such instalments and at such times as they may direct; *provided*, that such payments shall not exceed twenty dollars on each share per month; and in case of the non-payment of the said instalments or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws, rules and regulations as to them

proviso.

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

6. *And be it enacted*, That the president and directors of said company be, and they are, hereby authorized and invested with all the powers necessary and expedient to survey, lay out and construct a railroad with one or more tracks, from some point at or near Millstone, in the county of Somerset, through or near the villages of Plainville, Hopewell and Pennington, to a point at or near the city of Trenton; *provided always*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others, in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling, or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, 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

May lay out
and con-
struct rail-
road.

Proviso.

purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceed-
ings 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 lands or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of said company in the construction of said 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 and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made

in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said land or material may lie. Proviso.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing and in the form of a 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 Proceedings in case of appeal.

tried, and if 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 land 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 land or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment, and further that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Bridges to
be erected
and kept in
repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges and passages over and under the said railroad where any public or other road now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the road shall intersect any farm or lands of any individual,

to provide and keep in repairsuitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

10. *And be it enacted*, That the president and directors of said company shall have power to have construct-^{Power to operate railroad.} ed, or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railroad; *provided*,^{Proviso.} that they shall not charge more than five cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property; and the said railroad, with its appendages and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of their charter; *provided how-^{Proviso.}ever*, that upon all freight and passengers transported between the cities of New York and Philadelphia, and which shall pass over any portion of said Millstone and Trenton Railroad, the said Millstone and Trenton Railroad Company shall pay the same transit duties that may now or hereafter be required by law to be paid by any railroad company in this state for freight and passengers passing between said cities over any railroad in this state; *and provided also*, that this act shall not authorize the said Millstone and Trenton Railroad Company to build any bridge over the Delaware river, or to use any bridge that may now or hereafter be built over the same.

11. *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.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding five acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their^{May hold real estate.}

business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient.

Penalty for
obstructing
railroad.

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

Statement
of cost and
expenses to
be filed

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

Proviso.

May borrow
money.

15. *And be it enacted*, That the Millstone and Trenton 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 other equipments for the uses and objects of said company, and to secure the repayment thereof by the exe-

cution and negotiation of any bond or bonds, and secured by mortgage on said road, lands, privileges, franchises, and appurtenances of and belonging to the said company; *and* ^{Proviso.} *provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad.

16. *And be it enacted*, That if the said railroad shall not be commenced within two years, and be completed within five years from the fourth day of July next ensuing, that then and in that case this act shall be void; *provided*, that ^{Time for completion of railroad.} such railroad shall not be put in operation for transportation of freight or passengers, until after January first, eighteen hundred and sixty-nine. ^{Proviso.}

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, while traveling for the purposes of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state shall pass and repass on the railroad of said company in their cars free of charge. ^{Who may ride free.}

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

Approved, April 3, 1867.

CHAPTER CCLXXVII.

A further supplement to an act entitled "An act to establish Public Schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Board of Education of the township of Greenville, Hudson county, are hereby authorized and empowered to sell the lands and buildings thereon, now owned by the township of Greenville, and now occupied as a public school, said land and building being located on the road leading from the Five Corners at Hudson City to Bergen Point, known as the old Bergen road, and the said Board of Education by their president and treasurer may make good and sufficient conveyance in law for the aforesaid lot of land and building thereon; the said sale to be made ^{Board of education empowered to sell lands}

by public auction, and the money received therefrom shall be used by the Board of Education for the lawful purposes of public education, or shall be applied by the said board in partial payment of other property which may be lawfully purchased for the use of the public school in said township of Greenville.

May erect
school
building.

2. *And be it enacted*, That the said Board of Education are hereby authorized and empowered to expend a sum not exceeding fifteen thousand dollars for the sole and exclusive purpose of purchasing a suitable plot of land, and for erecting thereon a public school building, with the necessary outbuildings and fences, and for providing a well and cistern, and for paving and flagging so much of the ground or walks as may be deemed desirable in order to protect the health and secure the comfort and cleanliness of the children; and in order to provide the said sum, not to exceed fifteen thousand dollars, the township committee of Greenville are hereby authorized and directed, whenever called upon by the Board of Education by reason of this act, to issue their bond or bonds under the common seal of the township and the signature of the proper officers, said bond or bonds to be conditioned for the payment of one thousand dollars yearly, and every year on account of the principal, together with the annual interest accruing thereon, so that the whole loan authorized by this section may be paid off in fifteen years, the said bond or bonds when issued, to be disposed of by the Board of Education at not less than par value, for the purposes named in this section.

Money to be
raised by
tax.

3. *And be it enacted*, That the said Board of Education are hereby authorized and directed to cause to be levied, raised and collected yearly and every year, by tax, in like manner as other town, county and state taxes are raised and collected, such sum or sums of money for the support of the public school or schools in the township of Greenville, not exceeding the rate of five dollars for every child within the said township between the ages of five and eighteen years, as ascertained pursuant to law for the previous year.

Vacancies
now filled.

4. *And be it enacted*, That in case any member of the Board of Education of the township of Greenville shall neglect to attend six successive regular meetings of the said board, such meetings not being held less than two weeks apart, notice of such meetings, having been written by the secretary of said board and left at the place of business or residence of the several members, then in case of such neg-

lect by any member, he shall be considered to have resigned his office as a member of said board, and the remaining members may elect a successor to fill the vacancy caused by such neglect.

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

Approved April 3, 1867.

CHAPTER CCLXXVIII.

An act to extend the provisions and supplements 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 Stow Creek, in the county of Cumberland.

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 supplements, provision and benefits of said act be, and the same are hereby extended to the township of Stow Creek, in the county of Cumberland. Provisions to extend to Stow Creek.

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

Approved April 3, 1867.

CHAPTER CCLXXIX.

An act to remove obstructions to navigation.

WHEREAS, the navigation of some of the rivers of this state is occasionally obstructed by sunken barges, or boats laden with stone or other heavy material which are abandoned by their owners, and for the removal of which no law ex- Preamble.

ists, and which obstructions, if permitted to remain, may cause serious injury to the navigation of such rivers; therefore,

Proceed-
ings when
boat, &c.,
are sunk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any boat, barge or scow shall be stranded or sunk in any of the navigable rivers of this state, and left remaining by the owners, or persons having the same in charge for a period of thirty days, it shall be the duty of the chosen freeholders or freeholder of the county living in the township or ward within whose bounds the said boat, barge or scow shall be sunken or stranded, on written notice to them of six freeholders residing in the county, that the said boat, barge or scow is obstructing the free navigation of such river, to make investigation of the same, and if in their opinion the same does or is likely to obstruct the navigation, they shall give notice to the owner or owners, or persons having the same last in charge (if their residence is known to them), that the said boat, barge or scow is a nuisance, and must be removed within thirty days thereafter; and if the residence of such owner or owners, or persons last in charge of said boat, barge or scow, be unknown, the said chosen freeholders shall cause public notice to be given to the like effect, by advertising the same in any newspaper published and circulating in the county where such boat, barge or scow may lie.

Freehold-
ers to cause
obstruction
to be re-
moved.

2. *And be it enacted*, That if the said boat, barge or scow shall not have been removed at the expiration of the said thirty days, it shall be lawful for the said chosen freeholders, and they are hereby empowered to declare the said boat, barge or scow a public nuisance, and forfeited to the state, and may cause the same to be removed, either by contract or otherwise, as they shall deem best, and with the least delay, and shall sell, by public auction or otherwise, the said wreck and cargo to defray the expenses of removal; *provided*, the said chosen freeholders may, in their discretion, in contracting for the removal of said boat, barge or scow, agree with the contractor that the same, together with the cargo, may form the whole, or a part of the compensation to be received by the contractors for the removal thereof.

Compensa-
tion.

3. *And be it enacted*, That the chosen freeholders shall be entitled to such compensation for their services as they are now entitled to receive for attending to repairs of county bridges.

4. *And be it enacted*, That the cost of removing such ob-

structions as aforesaid, with the incidental expenses and charges connected therewith shall be made up and certified to by the said chosen freeholders, and upon such certified account the collector of the county shall pay the same out of any money not otherwise appropriated, which amount so paid shall be reimbursed to the said county out of the treasury of the state. Costs how paid.

5. *And be it enacted*, That in the event of these being any surplus obtained by the sale of the wreck and cargo over and above the costs and charges of removal as aforesaid, in any one instance, the same shall be paid in the treasury of the state. Surplus to be paid into state treasury.

6. *And be it enacted*, That the amount to be paid out, under and by the provisions of this act, either by the county or state, for the removal of any one obstruction of the character aforesaid, shall not exceed five hundred dollars. Cost not to exceed five hundred dollars.

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

Approved April 3, 1867.

CHAPTER CCLXXX.

An act to authorize the township committee of the township of Plainfield, in the county of Union, to open, work and repair the public roads, streets, avenues and sidewalks in said township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the opening, working and repairing of the public roads, streets, avenues and sidewalks in the township of Plainfield, in the county of Union, shall be hereafter under the control, direction and supervision of the township committee of said township, who shall designate and employ such and so many agents and laborers, and for such compensation as they shall deem expedient in the premises, and who shall also have the control and disposal of all moneys raised or to be raised in the said township for said purposes. Township committee to have control of all moneys.

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

Approved, April 3, 1867.

CHAPTER CCLXXXI.

A supplement to an act entitled "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings," approved February eighteen, eighteen hundred and forty-six.

Township
committee
to assess
costs and
expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Bloomfield, in the county of Essex, after having caused to be opened and put into a traveling condition any public road heretofore laid out, or which shall hereafter be laid out, in the said township by the surveyors of the highways, shall proceed to ascertain the entire cost and expenses thereof, and thereupon make a just and equitable assessment of such cost and expense upon the owners of land and real estate benefitted by such road, in or near the line thereof, in proportion as nearly as may be, to the advantage which such owners shall be deemed to derive from the same, respectively; *provided*, a majority of the land owners along the line of such road, shall have previously applied in writing to the said township committee to cause the same to be opened.

Report to be
made.

2. *And be it enacted*, That the said township committee shall make a report, by a certificate in writing, of the assessment so made, immediately thereafter, and, before proceeding to sign the same, shall place the same in the office of the clerk of the said township for examination by the parties interested therein, and shall cause a notice in writing to be served on each of the land owners so assessed, stating that such report has been made and deposited for examination as aforesaid, and designating the time and place, when and where the parties interested can be heard and objections stated, in relation to such assessment, before the said committee, which notice shall be served at least ten days before the time so designated for such hearing, either personally, or by leaving the same at the dwelling house or last place of abode of the person to be served therewith; *provided*, that if any land owner so assessed shall not reside in the said township, the said notice may be served upon such absent land owner, by causing the same to be published for the said

Proviso.

space of ten days, in one of the newspapers printed in said county, and circulating in the neighborhood of such road.

3. *And be it enacted*, That at the time and place so designated for the hearing of said parties, or at the time and place to which such hearing may be adjourned, the said committee shall proceed to hear and consider the objections, if any, made by the said parties interested, or any of them, and may alter and readjust the said assessment and correct or amend the said report accordingly, if they shall deem it just and proper so to do, and shall thereupon sign the said report. Assess-
ments may
be amended

4. *And be it enacted*, That when the said assessment and report shall have been completed and signed by the said committee, or a majority of them, the same shall be final and conclusive upon the parties respectively assessed, who shall thereupon be liable to pay the amounts assessed against them respectively, and the said committee may cause the amounts so assessed, to be collected from the persons, respectively, liable to pay the same, by an action of debt, to be instituted in the corporate name of said township against said persons, respectively, in any court having cognizance thereof, with costs, if the same shall not be paid within thirty days' after the signing of the said report. Collection
of assess-
ments.

5. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall judge proper. Quorum.

6. *And be it enacted*, That the annual meeting of the legal voters of the said township, for the election of township officers, shall hereafter be held on the second Monday in March of each year. Time of
election.

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

Approved, April 4, 1867.

CHAPTER CCLXXXII.

A further supplement to the act entitled "An act to incorporate Jersey City," approved March, eighteen hundred and fifty-one.

Aldermen.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of May, in the year eighteen hundred and sixty-seven, the number of aldermen to which each ward of said city shall be entitled to shall be two instead of three as now required by law.

Elections.

2. *And be it enacted*, That at the next regular charter election, to be held on the second Tuesday after the first Monday in April, eighteen hundred and sixty-seven, it shall not be lawful to choose, at such election, any alderman for said city, and there shall be no alderman chosen until at the regular charter election of said city, to be held on the first Tuesday after the first Monday in April, in the year eighteen hundred and sixty-eight, except it should become necessary to choose an alderman previous to that time to fill a vacancy caused by death or removal, or by the erection of a new ward or wards, in which case elections shall be held for two aldermen in such ward or wards, in such manner as is now provided by the act to which this act is a supplement.

Repealer.

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

Approved April 4, 1867.

CHAPTER CCLXXXIII.

An act to authorize the township committee of the township of Acquackanonk, in the county of Passaic, to open, work, and repair the public roads of said township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the opening, working and repairing of the public roads of the township of Acquackanonk, in the county of Passaic, shall hereafter be under the control, direction and supervision of the township committee of said township, who shall designate and employ such and so many agents, and for such compensation as they shall deem expedient in the premises, and they shall also have the control and disposal of all moneys raised or to be raised in the said township for said purposes. Township committee to control moneys.

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

Approved April 4, 1867.

CHAPTER CCLXXXIV.

An act to incorporate "The Catholic Beneficial Society, of Salem, New Jersey."

WHEREAS, a number of the inhabitants of the city of Salem, in the county of Salem, have formed themselves into an association or society to which they have given the name of "The Catholic Beneficial Society, of Salem, New Jersey," the object of which is to create a fund to be applied towards the relief or support of such members thereof as shall by sickness, accident or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling; and also towards the decent interment of deceased members; *and whereas*, it is believed that an act of incorporation will promote the objects of the society and add to the security of its property; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Crane, James Sullivan,

Names of
corporators

James Fitzpatrick, Thomas Glenn, Owen Crane, George Hogan, William Harkins, John Deagan, Peter Prendergast, John Hogan, Richard Crane, Bartholomew Cohen, and all such other persons as now are, or shall hereafter become members of said society, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Catholic Beneficial Society, of Salem, New Jersey," and by that name they and their successors shall have continued 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 law and equity whatsoever, in all manner of actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name aforesaid, and under their common seal may make, enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of the said incorporation.

Officers.

2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation; there shall be a president, vice-president, treasurer, secretary, and such other officers and assistants, as shall be deemed necessary, who shall be elected annually by ballot, by a majority of the members present at the annual meeting of the said society to be held in January of each and every year, and two stewards, who shall be appointed every month in the order of their names on the roll, (excepting the president, vice-president and treasurer,) shall act in the capacity of investigating committee.

May hold
and convey
real estate.

3. *And be it enacted*, That the estate and property of what kind soever the same may be, now or hereafter held by the said society, shall be vested in the body corporate and politic hereby created; which said body politic and corporate shall by the name and title aforesaid, be able and capable in law, to purchase, receive, take, hold and convey for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, or any sum or sums of money, rights, goods, securities and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same; *provided*, that the clear yearly value or income of the real and personal estate of

Proviso.

said society shall not exceed the sum of three thousand dollars.

4. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend or change as by them may be deemed expedient, such general form of a constitution and by-laws, for the transaction of business, and for effecting the purposes of the society aforesaid, as by the members, or a majority of the members present, duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution or by-laws be repugnant to the constitution or laws of the United States, or of this state.

5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities or accident from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act, and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for by this act.

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

Approved April 4, 1867.

CHAPTER CCLXXXV.

An act to incorporate the Jersey City Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John A. Post, Michael S. Allison, Peter Rowe, Lockwood Burns and Jacob S. Worden and their associates, and all persons who may hereafter be holders of the stock hereinafter named, and their successors are hereby declared and constituted a body politic and corporate in fact and in law, by the name of "The Jersey City Steamboat

Company," and by that name the said corporation shall have succession with power to sue and be sued, defend and complain in any court of law or equity, and to make and use a common seal, and alter the same at pleasure, may acquire by purchase or otherwise and hold, lease, and convey such real and personal estate, and in general have such rights, privileges and powers appertaining to corporate bodies as may be necessary and useful for the purposes and objects of this corporation.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, with power to increase the same to double that amount, to be divided into shares of one hundred dollars each.

Commis-
sioners to
receive
subscrip-
tions.

3. *And be it enacted*, That the said John A. Post, Michael S. Allison, Peter Rowe, Lockwood Burns and Jacob S. Worden, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock at such times and places in Jersey City (where their principal office shall be) as they or a majority of them, may direct, giving at least twenty days' notice thereof, by publishing the same in at least one newspaper published in Jersey City, in this state; and the said commissioners shall open a book of subscription for said stock, at such times and places, and shall cause the same to be kept open at the places so appointed at least three days.

Subscrip-
tions to
stock pay-
able in in-
stalments.

4. *And be it enacted*, That at the time of subscribing for the said stock, twenty dollars shall be paid upon each share or satisfactorily secured, and the residue of the subscriptions shall be paid or secured in such instalments, and at such times and places, as the president and directors of the company shall from time to time direct, giving at least ten days' public notice thereof by publishing the same as aforesaid, and upon failure of payment or security 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 or secure the said instalments, or any one of them, to and for the use of the company.

Election of
directors.

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

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

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

7. *And be it enacted*, That the capital stock of this company shall be considered as personal property, transferable on the books of the company, and shall be employed as the said board or a majority of them may deem expedient, in the purchasing, repairing and altering any vessel or vessels propelled by steam, and in the navigation of the same, between Jersey City aforesaid and Richmond, in the state of Virginia, and upon the James river, and the bays and sounds adjacent thereto, in said state of Virginia, and in the purchase, repair and building suitable landing places, wharves and store-houses at Jersey City, or at Richmond, or upon the James river, bays and sounds adjacent thereto, which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the said board, or a majority thereof, to make from time to time such dividends of the net profits of the said company as they may deem advisable.

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

Limitation. for thirty years, unless sooner modified or repealed, and that the legislature may at any time hereafter alter, modify or repeal the same.

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

Approved April 4, 1867.

CHAPTER CCLXXXVI.

A supplement to an act entitled "An act to incorporate the Ocean Agricultural Railroad Company," approved March twentieth, eighteen hundred and sixty-two.

*Limitation
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 said road is hereby extended five years from the fourth of July, eighteen hundred and sixty-seven.

Approved, April 4, 1867.

CHAPTER CCLXXXVII.

An act to amend an act entitled "An act to incorporate the Erie Transportation Company," approved March twenty-ninth, eighteen hundred and sixty-six, by changing the name and title thereof.

*Name and
title
changed.*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name and title of the incorporation authorized and established by an act entitled "An act to incorporate the Erie Transportation Company," approved March twenty-ninth, eighteen hundred and sixty-six, shall be, and the same is, hereby so changed that the said incorporation by said act established and now known as "The Erie Transportation Company," shall be hereafter designated and known as "The Union Pacific Transportation Company," and as such shall have, possess and enjoy all the rights, privileges and powers by law conferred on said incorporation so established.

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

Approved, April 4, 1867.

CHAPTER CCLXXXVIII.

An act to incorporate the Dutch Lane and Marlboro Turnpike Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate in fact and in law, by the name of "The Dutch Lane and Marlboro Turnpike Company," and that the following named persons, to wit: Charles H. Conover, Henry Campbell, Edward M. Conover, David C. Browne, John H. Buck, Obadiah C. Herbert and Henry Smock, or a majority of them, are hereby appointed commissioners to open 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 one of the newspapers published in this state.

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, that at the time of subscribing to said stock, two dollars shall be paid upon each share subscribed for to said commissioners, which money shall be paid over to the treasurer of said company as soon as one shall be appointed; that the residue of the subscription shall be paid to the treasurer in such instalments, and at such time and places as the board of directors of said company shall direct, and that 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 said instalments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for, except the first instalments, by work upon said road, under such regu-

Commissioners to receive subscriptions.

Name.

Amount of capital stock.

Subscription to stock payable in instalments.

Proviso.

lations; at such time, and upon such notice as the directors may determine;

Election of
directors.

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

Officers.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual elections of directors, the said directors shall elect from among their number a president of their said company, who shall be a resident of the county of Monmouth, and 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 stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint one of their number, who for the time being shall possess the same powers and authority and perform all the duties herein prescribed.

Powers of
directors.

5. *And be it enacted*, That the board of directors, or a majority of them, may supply any vacancy that may occur in the interval between the annual elections by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident in the county of Monmouth, and all officers, agents, superintendents and other servants, that

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

6. *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 statement of the affairs of the company during said term. Annual statements.

7. *And be it enacted*, That special meetings of the stockholders may be called by said president or three of the directors or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed, with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, 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.

8. *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 had at any other time and notice as aforesaid, and that until such election be had the directors for the time being shall hold their office until others shall be chosen in their place; and that this charter shall not be defeated, or the said corporation to be dissolved by reason of the irregularity or omission to hold such election. Not to be dissolved in case there is no election.

9. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from where the Dutch lane road or public highway intersects the Monmouth county plank road, near the house of John W. Bartleson, in the township of Freehold, county of Monmouth, on and along the said Dutch lane road or public highway, and to the cross road leading from the Monmouth county May construct a turnpike.

Proviso.

Proviso.

Width of
road.

plank road to the house of Benjamin S. Vanderveer, near the village of Marlboro, in the township of Marlboro, in said county of Monmouth, and there ending, which said turnpike road may be constructed on and along the said Dutch lane road or public highway aforesaid, so far as said turnpike road extends along said highway, except in those places where the said public highway is not straight, then and in those places the said company shall have power to construct the said turnpike road where they may deem proper, and 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 the said turnpike upon now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the owners cannot agree upon the amount of the said damages, the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for, for ascertaining and determining the damage, which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided, also*, that the said company shall have power to take only the rights of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

10. *And be it enacted*, That the said turnpike road shall be constructed at least twenty-five feet wide, and shall be sufficiently arched and drained to make and keep the same dry, and at least fifteen feet thereof shall be sufficiently bedded with stone 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 the said company shall make good and sufficient bridges along the said road, not less than fifteen feet in breadth, and whenever the said road, in passing over low ground, shall be raised so much at the sides as to render carriages passing thereon liable to upset the said company shall erect good and sufficient railings on the side

thereof, so as to prevent horses and carriages from running off.

11. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of 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 to take and carry away stone, gravel, clay or sand or other materials therefrom suitable for making or repairing said road and that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the supreme court, of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and 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 said land or materials and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and make a

Proceed-
ings when
company
and owners
cannot
agree.

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 and materials, and make a just and equitable estimate or appraisal of the value of the same, and the assessment of damages to be paid by the said company for such land and materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the 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 or judge shall tax and allow such costs, fees and expenses to the said justice or judge, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the said company,

Gates to be
erected.

12. *And be it enacted*, That as soon as said company shall have constructed said road according to the true intent and meaning of this act, it shall and may be lawful for said company to erect toll-houses upon, and gates across said road, and to demand and receive toll for traveling each mile, and all fractions over one-fourth of 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 and one-half cents;

For every additional beast, one and one-half cents;

For every horse and rider, or led horse or mule, one and one-half cents;

For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, six cents;

And it shall and may be lawful for the toll-gatherers to stop

all 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 turnpike until they shall have paid the toll as above specified; *provided*, that Proviso. nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or from any person passing to or from his common business on his farm.

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

14. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile 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 gate or gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass without having paid the legal toll at such gates, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or vehicle, turn out of said road to pass a gate or gates, upon private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof in an action of debt, with costs of suit. Penalty for injury to works.

15. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates on said road, or shall receive more toll than is by this act allowed, the company shall for every such offence Penalty for delaying travellers.

forfeit and pay the sum of ten dollars with costs of suit, to be prosecuted by and recovered for the sole use of the person so defrauded, in any action of debt.

16. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the left hand 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 so offending 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.

Proceed-
ing when
road and
bridges are
not kept in
repair.

17. *And be it enacted*, That if the said company shall not keep the said road, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the county of Monmouth, who may be disinterested, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, specifying the particular defect, and after four days notice in writing given to the president or any one of the directors of said company, specifying the part or parts complained of, and after hearing the parties, if the said company have not repaired the said bridge, road or railings as specified, to appoint, under his hand and seal, three judicious freeholders not interested in said road, being residents of said county and non-residents of the townships through which the said road is located, who having been duly qualified and sworn to act impartially in the case, shall proceed to view and examine the part or parts complained of, and report to the said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires to be kept; and if the report be unfavorable to said road, that said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate on the part complained of, to keep the said gate opened until otherwise ordered; and if the said keeper, after service of a copy of said order upon him shall, notwithstanding the order of the said judge to open said gate or turnpike, exact tolls of travelers, the said company shall for each offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit, and the said judge shall

be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said bridge, road or railing in the particular complained of, he shall, by an order in writing, 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 fee shall be allowed and paid as before directed; but if on the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

18. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect toll gates across the said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates. When gates may be erected.

19. *And be it enacted*, That this act shall be taken and construed to be a public act, and 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."

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

Approved, April 4, 1867.

CHAPTER CCLXXXIX.

A further supplement to an act entitled "An act to incorporate the Cumberland Mutual Fire Assurance Company," at Bridgeton, Cumberland County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixteenth section of the act to which this is a supplement, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That so much of the seventeenth section of the said act as limits its continuance to the period of forty years be repealed, and that the said act be and continue Act continued in force.

in force until altered, amended and modified or repealed by the legislature.

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

Approved April 4, 1867.

CHAPTER CCXC.

An act to incorporate the Randolph Iron Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That William N. Herrick, David McKenna, Samuel D. Condit, Joseph C. Chandler, and Byram Conklin, and the survivors and survivor of them and all such persons as may hereafter be associated with them, or the said survivors and survivor, shall be, and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Randolph Iron Company," for the purpose of mining, smelting, manufacturing and vending ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in the counties of Morris and Sussex, in this state, and carrying on the business incident thereto; and that they and their successors, by that name, shall be able and capable in law, to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments, within the counties of Morris and Sussex, and goods and chattels of whatever kind and quality, necessary for the purpose aforesaid, and the same or either or any part thereof, to sell, grant, demise, alien and dispose of; and that by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to every corporation.

Capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct; and it shall be lawful for said company, when twenty-five thousand dollars capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, to con-

mence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their capital, which they are hereby authorized to do from time to time to the amount hereinbefore mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under penalty of forfeiting the shares of said stockholders and all previous payments thereon, if such payment or payments so called for and demanded shall not be made within sixty days after notice of such call and demand shall have been published for at least four weeks in one of the newspapers published in each of said counties.

3. *And be it enacted*, That the subscription of the said capital stock shall be opened in the city of Newark, Essex county, for any time not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the said board for that purpose, at such times as they shall appoint. Directors
to receive
subscription.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, and one of whom shall be treasurer, which officers shall hold their offices for one year from the first Monday in April in every year, and that said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be directed by the by-laws of said company, by such stockholders as shall attend for that purpose, either in person or by proxy; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers printed in this state, nearest the place where such election shall be made, and these elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it should happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a less number than 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 to ballot a second time, and by a plurality of votes determine which of Election of
directors

the persons having an equal number of votes shall be directors 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, who shall be a resident of this state, and also another who shall be treasurer of said company, and also may appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of said whole number of directors being present when such election and appointments take place; and if it shall happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled from among the stockholders by such person or persons as the directors, for the time being, or a majority of them, shall appoint; and until other directors shall be chosen from the stockholders, the first directors shall be William N. Herrick, David McKenna, Samuel D. Condit, Joseph C. Chandler and Byram Conklin, and their survivors and survivor of them, who shall hold their offices until the first Monday in April, eighteen hundred and sixty-seven, and until others are legally chosen, and said company shall keep their office at the place where their works shall be located.

Officers, &c.

Dividends. 5. *And be it enacted,* That no dividend shall be made to and among the stockholders except out of the profits of the said corporation.

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

May make by-laws, &c

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

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

keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the company, and which books shall be at all times open to the inspection of the stockholders, and a correct and full statement in gross, of the affairs of said corporation shall be made to the stockholders at the annual meetings for the election of directors. Keep books of account.

9. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved April 4, 1867.

CHAPTER CCXCI.

A supplement to the act entitled "An act to incorporate the Mount Hope Mineral Railroad Company," approved March sixteenth, eighteen hundred and sixty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Mount Hope Mineral Railroad Company, and the said company is hereby authorized and empowered to extend their railroad from some point on the line of the same at "the Mount Hope Mines," in the township of Rockaway, to or near "the Hibernia Mines," in the said township, and to take and appropriate all lands, rights, privileges and property necessary for carrying into effect the object and intent of this act, upon making payment therefor and damages to the owners thereof as hereinafter mentioned and directed. Power to extend road

2. *And be it enacted*, That it shall be lawful for said company to have, hold and possess, all such land and real estate at or near the terminus of said road and at each of its depots as shall or may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon, warehouses, depots and such other buildings and improvements, as may be necessary. May purchase and hold real estate.

for the safety of their property and the convenient transaction of their business.

May take
lands and
property.

3. *And be it enacted*, That the lands, rights, privileges and property necessary to carry into effect the object, purpose and intent of this act, may be acquired by said company in the manner directed by the eighth section of the original act of incorporation; and the value of all lands and premises, rights, privileges and property, and the damages for taking the same, shall and may be ascertained and assessed by the commissioners to be appointed as in said original act is directed.

Increase
capital
stock.

4. *And be it enacted*, That for the purpose of enabling said company to construct and complete the railroad authorized by this act, and to carry into effect the provisions of this act it shall be lawful for them to increase their capital stock to five hundred thousand dollars; the amount increased shall be subscribed in such manner, and at such time or times and places as the board of directors of said company may deem expedient and proper.

Powers.

5. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of this act, and the complete execution of the same, the said company shall be, and they are hereby invested with all the provisions, powers, authority and privileges given and granted by their original act of incorporation.

6. *And be it enacted*, That the extension hereby authorized, shall be commenced within five and completed within ten years from the passage of this act.

7. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized and taken as such in all courts and places whatsoever, and shall take effect immediately.

Approved April 4, 1867.

CHAPTER CCXCII.

An act to incorporate the Ridgefield Land and Building Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Edward K. Al Burtis, Isaac Day-

ton, Wm. S. Banta, John J. Anderson, and John H. T. Banta, Corporators and all and every other person or persons hereafter becoming members of the Ridgefield Land and Building Company in the manner hereinafter mentioned, their successors and assigns, shall be and they hereby are created and made a body politic and corporate, by the name of the Ridgefield Name. Land and Building Company, and by that name shall and may have perpetual succession, and be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal property lying and being in the county of Bergen, only as may be necessary for the objects of this incorporation clearly indicated by this act, and erecting and building dwellings and other buildings, wharves and piers upon the real estate of the company, and may sue and be sued in all courts of law and equity; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary for the said purposes, and may have and use a common seal, and generally may do every other act or thing necessary to carry into effect the provisions of this act and promote the objects of said company, as authorized by this act; *provided*, that Provide. nothing herein contained shall authorize the said company to hold more than five hundred acres of land at any one time.

2. *And be it enacted*, That the said Edward K. Al Burtis, Isaac Dayton, William S. Banta, John J. Anderson and John H. T. Banta may receive subscriptions from time to time to the capital stock of the said company, in shares of one hundred dollars each, to any amount not exceeding twenty thousand shares; and for the purpose of obtaining any subscription they shall give at least ten days' notice by advertisement in one or more newspapers of the county of Bergen, of the time and place of subscribing; and every person who shall become a holder or entitled to one or more shares of the said stock shall thereupon become a member of the Ridgefield Land and Building Company hereby incorporated. Names of commissioners to receive subscriptions. Capital stock.

3. *And be it enacted*, That when two thousand shares of said stock shall be subscribed, the members of the said company shall proceed to elect, after having given ten days' notice in one of the newspapers aforesaid, of the time and place of such election, five directors, who shall continue in office till the first Tuesday in April then next ensuing; and the members of the said company shall annually thereafter Election of directors.

on the first Tuesday in April, elect from the stockholders of said company five directors to serve for the term of twelve months, and until others shall be chosen, each share of stock on which all instalments due have been paid shall entitle the holder thereof to one vote; and the five persons who shall receive the greatest number of votes shall be directors, who during their term of service shall have the sole management and direction of the stock, property, affairs and concerns of said company; and if any vacancy shall occur in the board of directors from any cause, the same shall be filled for the vacancy by such person or persons as the remaining directors may appoint, and in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that reason be deemed dissolved, but it shall and may be lawful on any other day to hold an election of directors, as the directors, or a majority of them, shall authorize.

Shall not be dissolved in case of non-election.

Powers.

4. *And be it enacted*, That the said company be, and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase in the county of Bergen, into lots, streets, squares and other divisions, of grading the same, and making thereon all buildings and improvements as may be found or deemed necessary, ornamental or convenient; and letting, renting, leasing, mortgaging, selling or changing the same, or using any lot or other portion of the said land for agricultural, mining or manufacturing purposes, and they shall have power to purchase, fill up, occupy, possess and enjoy all lands covered with water fronting the lands that may be owned by them, and they may construct thereon, wharves, piers and slips, and all other structures requisite and proper for commercial purposes.

Directors may make by-laws.

5. *And be it enacted*, That the majority of the directors shall form a board for the transaction of business, and shall have full power to make by-laws, ordinances and regulations, and to appoint all officers and agents as they may think proper, and to provide for their compensation; to declare the forfeiture of stock in case of non-payments of instalments; to declare and provide for the payment of dividend to the stockholders; and in general to transact, plan and superintend the business and concerns of the company.

6. *And be it enacted*, That the capital stock of said compa-

ny shall be deemed personal property, and transferable only on the books of the company, in such manner as the by-laws shall direct, and any of the owners of the lands hereby authorized to be purchased by the said company may take stock to the amount of the whole or any part of his, her or their interest. Stock how transferred.

7. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad turnpike or other highway that is now or hereafter may be incorporated or established by the legislature of this state, which shall be contiguous or pass through any lands that may be owned by the said company. May subscribe for stock in other companies.

8. *And be it enacted*, That the legislature of this state may at any time hereafter, alter, amend or repeal this act as the public good may require.

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

Approved, April 4, 1867.

CHAPTER CCXCIII.

An act to incorporate the Pavonia Horse Railroad Company.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Dudley S. Gregory, Charles G. Sisson, John Hilton, H. P. Archer, J. C. Bancroft Davis, Garrett D. Van Riper, John D. Coriscallan and such other person 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 Pavonia Horse Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever necessary and expedient for the object of this incorporation. Names of corporations

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

Commissioners to receive subscriptions to capital stock.

Election of directors.

Instalments

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 seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, 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 directors, 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 said corporation shall prescribe.

4. *And be it enacted*, That four 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 such instalments or any of them, to forfeit the share or shares upon which such default shall arise, and all previous payments thereon to the use of the company, 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.

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. Corporation not to be dissolved by failure to elect.

6. *And be it enacted*, That the president and directors 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 in and through any street or streets in the cities of Hudson City and Jersey City, with one or more tracks from some point on the Hudson river at or near Pavonia ferry, to some point in the city of Hudson City, and that when said railroad is built it shall be subject to the control of the city authorities; *provided always*, that, in constructing said railroad through any of the streets of Jersey City or Hudson City, the said work shall be done under the inspection of the commissioners of streets or other proper officers of said cities, and shall not unnecessarily interrupt public travel during the progress of said work, and shall restore the streets to their former good condition without any unnecessary delay; *and provided further*, that horse power, and no other, shall be used by the company, in running their cars and carriages, and provided, that said railroad shall not be constructed in that part of Hudson City bounded on the west by the easterly side of Bergen Wood avenue, and on the south by the northerly side of Beacon avenue, nor upon Hoboken avenue in said city. May lay out and construct road. Proviso.

7. *And be it enacted*, That the tracks shall be laid flush with the surface of the streets; and the said corporation 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. Tracks how laid.

8. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passen- Rates of fare.

gers, freight and merchandise on said road as the president and board of directors shall elect; but the price for each passenger shall not exceed the sum of six cents for each passenger for one mile or a fraction of a mile, and after that rate for all distance over a mile.

May hold
real estate.

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, warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their 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; and that said company may for the purpose of constructing and equipping their said railroad, or raising means therefor, issue their bonds to an amount not exceeding one hundred thousand dollars, and secure the same by mortgage on their said property and franchises.

Dividends.

10. *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
injury to
works, &c.

11. *And be it enacted*, That if any person shall wilfully injure, impair, 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.

May com-
mence run-
ning cars.

12. *And be it enacted*, That when so much of said road is completed, as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Commence-
ment and
completion
of road.

13. *And be it enacted*, That if 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.

14. *And be it enacted*, That on the first day of January after the railroad 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 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 in each year; *provided*, that said company shall pay to the mayor and common council of Jersey City and Hudson City, or the proper officer of said cities, all city taxes, assessments, water rents and sewerage taxes that shall from time to time be levied and imposed upon any real or personal estate that may be purchased and held by them in said cities, in the same manner and to the same extent as individuals owning property in said cities are liable, and with the same right of appeal and review; and the amount of city taxes so paid shall be deducted from the amount of one-half of one per centum on the cost of their road directed to be paid to the state treasurer yearly; *provided further*, that said deduction shall not exceed one fourth of the amount of said one-half of one per centum.

15. *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.

Approved, April 4, 1867.

CHAPTER CCXCIV.

An act for the relief of Samuel Garrison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Garrison, of the county of Cumberland be, and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

Rights and
privileges.

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

Approved April 4, 1867.

CHAPTER CCXCV.

A further supplement to an act entitled "An act to incorporate the City of Bridgeton."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city or ward officer may be removed from office by resolution of common council for malfeasance, nonfeasance, disability, or other good cause, shown upon complaint in writing to common council, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence nor unless two-thirds of all the members of the common council shall vote for such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinance of common council.

Ward offi-
cers may be
removed.

Proviso.

Proviso.

To regulate
erection of
buildings.

2. *And be it enacted*, That the common council shall have power within said city to regulate and control the manner of building dwelling houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable, or other building of wood or other combustible material.

Commis-
sioners of
appeal.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually on the fourth Tuesday

of November to hear and determine all appeals; and they shall sit from ten A. M. to six P. M., and shall have the power to adjourn from time to time, if found necessary, to dispose of all cases submitted to them for consideration.

4. *And be it enacted*, That when any road, street, lane or alley shall be laid out and established by the commissioners in pursuance of the first section of the supplement to an act entitled "An act to incorporate the city of Bridgeton," which said supplement was approved March thirteenth, eighteen hundred and sixty-six, and an appeal shall be made on account of the assessment of damages made by the commissioners, to the court of common pleas of said county for the appointment of three of the chosen freeholders of said county to review the assessment made by such commissioners, that the report of said freeholders or a majority of them shall be made in writing, under their hands, and shall be filed in the office of the recorder of said city, and in case said return shall be confirmed by the mayor and common council of said city, the same shall be endorsed under the hand of the mayor, and the seal of said city, and shall be filed in the clerk's office of the county of Cumberland; *provided*, no road, street, lane or alley established by said commissioners, and confirmed by the mayor and common council, shall be recorded by the clerk of said county in the road book of said county until after the expiration of twenty days from the filing of the return of the said commissioners in the clerk's office aforesaid, and in case an appeal from the assessment of damages made by said commissioners shall be made to the court of common pleas of said county, for the appointment of three chosen freeholders to review such assessment made by said commissioners, then the report of said commissioners and the map accompanying the same shall not be recorded by the clerk of said county in the road book of said county, nor shall the same be opened as a road, street, lane or alley until the mayor and common council shall approve and confirm the report of the said chosen freeholders, and the same shall be endorsed under the hand of the mayor, and seal of said city, and filed in the clerk's office of said county, which said assessment of said chosen freeholders, when approved, confirmed, endorsed, sealed and filed as aforesaid, shall then be final and conclusive to all the parties interested.

5. *And be it enacted*, That the roads, streets and lanes fixed and defined by the commissioners appointed by the mayor

Proceedings in case of appeal on account of assessment of damages.

Proviso

Public highways.

and common council of said city, to ascertain, fix, define and limit the position and width of the roads, streets and lanes, of said city, the reports whereof, signed by said commissioners have been approved and confirmed by the mayor and common council, and filed in the clerk's office of said county, be and are hereby declared to be public highways, roads, streets and lanes, and of the location, courses and width in the said reports fixed and defined, and as such to be opened, repaired and kept in good order by the said city, and which said reports or the records thereof, in the road book of said county shall be full evidence of the location, course and width of roads, streets, lanes or alleys so fixed and defined as aforesaid.

Repealer.

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

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

Approved April 4, 1867.

CHAPTER CCXCVI.

A further supplement to an act entitled "An act to authorize the business of Banking," approved February twenty-seventh, eighteen hundred and fifty.

Chancellor
to make order
limiting
time for re-
demption of
bank notes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in cases of proceedings in the court of chancery of this state against any bank or banking association, organized under the act to which this a supplement, it shall be lawful for the chancellor at any time to make an order limiting a time within which all the circulating notes of such bank or association shall be presented to the state treasurer for redemption, which time shall not be less than one year from the date of the appointment of a receiver or receivers in such proceedings for such bank or association, nor less than six months from the date of such order; and to designate in such order the manner of publication thereof, having due regard to the interest of the bill holders and creditors of such bank or association.

2. *And be it enacted*, That all persons holding or owning

any such circulating notes, and failing to present the same for redemption, according to the terms of such order, shall be barred of and from all claim or right to have such notes redeemed by such treasurer or out of any funds or securities in his hands deposited by such bank or association for redemption of their circulating notes; and upon proof made to the satisfaction of the chancellor that such order, or the substance thereof, has been published as by him directed, the chancellor shall make a decree accordingly, barring such persons from all such claim or right; and upon filing a certified copy of such decree with such treasurer, it shall be his duty to deliver and assign any and all moneys and securities which he may hold for the payment of the unredeemed notes of the said bank or association, to such receiver or receivers, who shall hold and dispose of the same under the chancellor's order according to law.

Holder's of
notes barred
from
right to
have the
same re-
deemed.

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

Approved April 4, 1867.

CHAPTER CCXCVII.

An act to incorporate the Ryle Silk-Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Ryle, John C. Ryle, Peter Ryle, Reuben Ryle, and William Ryle, and such other persons as may be associated with them, be and they are hereby created a body corporate and politic in law, by the name of "The Ryle Silk Manufacturing Company," and as such may sue and be sued, implead and be impleaded, in any court of law or equity in this state, may adopt a common seal and alter the same at their pleasure, may purchase, lease, convey, mortgage, hold and sell any goods and chattels, personal property, lands and tenements and rights thereon that may be required for the purposes of this act, and possess generally all the powers, and be subject to all the liabilities of corporations under the laws of this state.

Names of
corporators

2. *And be it enacted*, That the capital stock of said company shall be the sum of two hundred and fifty thousand

Amount of
capital
stock.

dollars, with power to increase the same, by a vote of the board of directors, to any sum not exceeding five hundred thousand dollars.

Location of
works.

3. *And be it enacted*, That the capital stock of the said company shall be divided into twenty-five hundred shares of one hundred dollars each, until the same be duly increased as hereinbefore provided; that all shares of said stock shall be deemed to be personal property, and shall be transferable in such manner as the corporation by its by-laws shall direct, and that the said capital may be employed in the business of manufacturing silk, cotton, flax or other fibrous material, and in buying, selling and disposing of the same and of all articles connected therewith, and that the said company shall locate their works in the city of Paterson, in this state.

Election of
directors.

4. *And be it enacted*, That the property and affairs of the said corporation shall be managed by a board of directors not more than seven nor less than five in number, who shall be stockholders in said company, and shall be chosen annually, at such time and place in said city as the by-laws of the company shall appoint, giving ten days notice of such time and place in one or more newspapers published in said city, that said directors shall serve for one year and until others are chosen in their stead; and that the persons hereinbefore named shall be the first directors and shall hold their office until others are elected or appointed in their stead; and that in case of the death, incapacity or refusal to serve of any of said persons before the said company shall be organized, or of any director after the same shall be organized, the survivors may appoint a person to fill each vacancy, who shall hold office for the balance of the term of the person whose place he is appointed to fill.

Commissioners to
receive sub-
scriptions.

5. *And be it enacted*, That the persons above named shall be commissioners to open books of subscription to the stock of said company, at such time and place in said city, and for such period or periods as they may determine, giving ten days' notice of such time and place in one or more of the newspapers published in the said city, and when thirty thousand dollars of the said stock has been subscribed for and paid up in full or issued according to this act, it shall be lawful for the said company to commence its business; and when the books of subscription are closed, the said commissioner shall deliver to the president of said board of directors all books, papers and moneys in their hands belonging to the company, first de-

ducting their fair and reasonable compensation and expenses, and thereupon the board may proceed with the business of the company.

6. *And be it enacted*, That the said company may issue stock to any person or persons in payment for any lands, goods, chattels, lease-holds, and property required by the said company for the prosecution of their business under this act. May issue stock in payment for lands.

7. *And be it enacted*, That the board of directors may choose from their number a president, and such other officers as they may deem proper, and may appoint and employ such agents and superintendents and subordinates as their business shall require; may adopt by-laws and rules for the government of said company, and of said board, and of their officers and employees; *provided*, the same be not contrary to the constitution of this state or of the United States; may fill all vacancies in the board until the next annual election of directors; that the said annual elections shall be held on the first Monday in June in each year, between the hours of one and three o'clock in the afternoon, at which elections each stockholder shall be entitled to one vote for each share of stock held by him. May make by-laws and rules.

8. *And be it enacted*, That no dividends shall be declared except from the actual profits of the company; that a meeting of the board may be called at any time by the president or by any two directors, and a meeting of the stockholders may be called by any two of the stockholders, and that all elections of directors shall be by ballot, and that their principal office shall be in the county of Passaic. Dividends.

9. *And be it enacted*, That this act shall continue in force for thirty years, but the legislature may at any time amend, modify or repeal this act, as they may think fit. Limitation.

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

Approved, April 4, 1867.

CHAPTER CCXCVIII.

A further supplement to the act entitled "An act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

Power to
construct
or purchase
water works

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and aldermen of the city of Paterson, in order to supply said city with pure and wholesome water, are hereby authorized to construct works for that purpose, or to purchase "The Passaic Water Company's" rights, franchises, lands, property, real and personal, of every kind and description; and the said Passaic Water Company upon securing to be paid to said company by the mayor and aldermen of the city of Paterson the purchase money or price therefore, according to the terms which may be agreed upon between the said mayor and aldermen and the said company, are hereby authorized to assign, transfer, sell and convey to the mayor and aldermen of the city of Paterson all the rights, franchises, lands, property, real and personal of every kind and description, to said company belonging or in them vested, or to which they are entitled, together with all the capital stock of said company, and the said company are hereby fully authorized and empowered to make such transfer, assignment, sale and conveyance, and the same when so made shall be complete and effectual for the transfer, assignment, sale and conveyance to the said mayor and aldermen of the city of Paterson, as well of their capital stock as of said rights, franchises, lands and property, real and personal, and all certificates of said capital stock shall be immediately on such transfer delivered up to the custody of the said mayor and aldermen, and from the time of such transfer said certificates shall have no validity in the hands of any person or persons other than the mayor and aldermen of the city of Paterson, and they are hereby authorized to accept the said property; and shall thereupon be invested with all the rights, powers and privileges conferred on the said company by their charter and supplements thereto, and with such other powers, rights and privileges as are by this act conferred, and to hold and use the same as herein-

after directed, and to take and convey from the sources of supply now used by the said "Passaic Water Company," or which they are empowered to use, and from any other source, sufficient water to supply the city of Paterson with pure and wholesome water for all purposes.

2. *And be it enacted*, That the mayor and aldermen of the city of Paterson, should they not purchase the Passaic Water Company's Works as authorized as aforesaid, are in that case hereby authorized in the manner hereinafter provided, to take and convey into and through the city of Paterson such portions of the water of any river, brook or spring, as may be required to furnish the inhabitants of said city with a sufficient quantity of pure and wholesome water, for domestic and other purposes; *provided*, they shall not take any part of the water which the society for establishing useful manufactures have a right to under their charter without their consent for that purpose first obtained.

May supply city with water.

Proviso.

3. *And be it enacted*, That the mayor and aldermen of the city of Paterson in pursuance of the authority hereby conferred, may appoint and employ all proper engineers, surveyors, superintendents, clerks or other agents or assistants, necessary and convenient for accomplishing the purposes contemplated by this act, and provide by ordinance suitable compensation therefor, and may enter upon any lands for the purpose of making surveys and examinations for the same.

May make surveys &c.

4. *And be it enacted*, That the mayor and aldermen of the city of Paterson may take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs and other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits, for conveying the water into or through the said places, or to secure and maintain any portion of said works, and in general may do any other act necessary or convenient for accomplishing the purposes contemplated by this act, and may distribute the water throughout the corporate limits of the said city.

May hold real estate necessary for water works.

5. *And be it enacted*, That in case of any disagreement between the mayor and aldermen and the owners of any land or water rights, which may be required for said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from this state, the

Proceedings in case of disagreement with owners

circuit court in and for the county of Passaic shall on the application of either party nominate and appoint three disinterested persons to examine such property, and estimate the value thereof or damage sustained thereby, and who shall after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof which shall be held in the said county.

Report of
damages.

6. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the mayor and aldermen shall within two months thereafter pay to the said owner or to such person or persons as said court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained as the case may be, and thereupon the mayor and aldermen of the city of Paterson, shall become seized in fee of such property so required, and shall be discharged from all claims by reason thereof.

Damages to
streets to be
repaired

7. *And be it enacted*, That the mayor and aldermen of the city of Paterson, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley or court within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley, or court to be restored to its original state, and all damage done thereto to be repaired.

Contracts.

8. *And be it enacted*, That all contracts for work and materials, or for the construction of the works, shall be made in writing, and one copy thereof shall be deposited with the controller of said city, and that public notice shall be given of the time and place, at which sealed proposals will be received for entering into any contract, by publishing the same in the newspapers of the city of Paterson, and in such other manner as the mayor and aldermen may direct; and every person proposing shall accompany such proposition with a bond, to be approved by the mayor and aldermen, conditioned to faithfully carry into effect his or their proposition, if accepted.

May issue
water bonds

9. *And be it enacted*, That for the purpose of paying for the property of the Passaic Water Company, should the same be purchased as authorized by this act, and in case the same should not be so purchased, then for the purpose of

paying all the expenses and costs of constructing water works as herein authorized, and of such land as shall be taken or purchased therefor, and of erecting all works and buildings necessary for the accomplishment of the same, and all other expenses incident thereto, the mayor and aldermen of the city of Paterson are hereby authorized and empowered to issue seven per centum coupon bonds under their corporate seal and the signature of the mayor, to be denominated "Paterson City Water Bonds," to an amount not to exceed five hundred thousand dollars, with interest payable semi-annually and redeemable at such times as the said mayor and aldermen may deem proper, not exceeding thirty years from the issuing thereof; and to pledge the credit of the city and the real and personal property therein for the payment of the said bonds, which bonds it shall be lawful for the mayor and aldermen to sell; *provided*, that no bond shall be sold for less than par, and to provide for the payment of the interest and principal of the same as hereinafter mentioned. Proviso.

10. *And be it enacted*, That the mayor and aldermen of the city of Paterson shall keep regular books of account, and books for the recording of the whole of the official proceedings in reference to said water works, and all clerks and agents employed in their service shall be sworn to the faithful performance of their duties; and the said mayor and aldermen shall in each year, at least fifteen days before the charter election, make a full report of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same, which report shall be published in the same manner as the city treasurer's report. Books of account to be kept.

11. *And be it enacted*, That the mayor and aldermen of said city shall regulate the distribution and use of the water in all places, and for all purposes where the same may be required, and from time to time shall fix the price for the use thereof and the times of payment; and may erect any number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used. Public hydrants.

12. *And be it enacted*, That the owner and occupant of any house, tenement or lot, shall each be liable for the payment of the price or rent fixed by the mayor and aldermen of the city of Paterson, for the use of the water by such occupier, and such price or rent so fixed shall be a lien upon Liability for water rent.

said house, tenement or lot in the same way and manner as other taxes assessed on real estate are liens and shall be collected in like manner if not previously paid.

Monies
received for
water rents
how appro-
priated.

13. *And be it enacted*, That it shall be the duty of the mayor and aldermen of the city of Paterson to fix the price which shall be assessed upon such house or other building, and upon vacant lots situated upon streets, lanes, alleys or courts that have been actually opened, or parts thereof, through or into which distributing pipes shall be fixed with reference to ultimately paying from the net proceeds thereof the interest and principal of the "Paterson City Water Bonds," authorized by this act to be issued; and the net proceeds of the water rents, after paying all expenses for maintaining the works and distributing the water, and salaries, and wages and incidental charges, shall be applied first to the payment of the interest upon the debt created by the purchasing or constructing the works as by this act authorized, as the case may be; and next to the purchase of the said bonds issued therefor, if the same can be obtained at reasonable prices, or if that cannot be effected, then to be safely invested and allowed to remain as a sinking fund, to be applied to the redemption of the said bonds at maturity; *provided, however*, if at any time the said net proceeds shall be insufficient to pay the interest on the said bonds as the same falls due, and to pay and discharge the principal at the time it shall become payable, then in that case the mayor and aldermen of the city of Paterson shall order and cause to be assessed and collected by tax, at the time and in the manner as other taxes in said city are assessed and collected, a sum sufficient to pay such deficiency.

Proviso:

Quarterly
statement
of receipts
and dis-
bursements
to be made.

14. *And be it enacted*, That when the said bonds shall all be paid and canceled so much of the income derived from the water works as may be necessary therefor, shall be applied by the mayor and aldermen to the payment of salaries, wages, the costs of repair and other current expenses required for keeping the whole in good and successful operation, and making such additions thereto as the wants of the inhabitants of the city may require, and all moneys remaining after making the payments necessary for the purpose above mentioned, shall be paid to the treasurer of said city quarterly, and such payments shall be accompanied by written statements showing the whole amount of moneys received during the preceding quarter, and also an account of all moneys paid during the same time, specifying to whom

and for what they were paid, which statements shall be verified by affidavit, and one copy thereof delivered to the controller of said city to be by him filed and properly entered on his books.

15. *And be it enacted*, That the said mayor and aldermen of the city of Paterson shall be authorized to sell at their discretion such portions of the lands and real estate conveyed to them by the Passaic Water Company, should they purchase the same as by this act authorized, or any other land and real estate held by them for the purposes of water works, as they may deem not to be necessary for the same, and when the said mayor and aldermen shall so determine to sell, the mayor shall execute good and sufficient deed or deeds therefor to the purchaser or purchasers.

May sell
and convey
surplus real
estate.

16. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors, shall forfeit to the said mayor and aldermen of the city of Paterson, to be recovered in an action of trespass, double 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 thousand dollars, or by imprisonment not exceeding one year, or both at the discretion of the court.

Penalty for
injury to
works.

17. *And be it enacted*, That the mayor and aldermen of the city of Paterson, are hereby authorized to cause such surveys, maps and returns to be made as may be necessary to enable them to prescribe and adopt, either for the whole or any part of said city, the location of streets and sewers, or either, and the width thereof, hereafter to be opened or constructed therein, and when such location, width and grade shall be adopted, the surveys, maps and returns prescribing and defining the same, shall be recorded in the clerk's office of the county of Passaic, and thereupon no street or sewer shall thereafter, within the district comprised in any such survey, map and return, be opened or constructed, except in conformity therewith as to location, width and grade, and fully to accomplish the purposes contemplated by this section, the said mayor and aldermen may employ such engineers, surveyors and other persons, and provide for their compensa-

Surveys,
maps, &c.,
to be re-
corded in
office of
county
clerk.

tion, and pass such ordinances as they may deem to be proper and may enter upon any land for making surveys and examinations.

Public park

18. *And be it enacted*, That the mayor and aldermen of the city of Paterson are hereby authorized and empowered to purchase a tract of land lying within said city, at a cost not exceeding one hundred thousand dollars, to be laid out, enclosed, ornamented and used for a public park, and to employ such architects, engineers, and other persons necessary to accomplish the purpose contemplated by this section and to pass and adopt all such ordinances, rules, regulations and by-laws as they may deem proper for laying out, enclosing, ornamenting and using said park by the public.

May issue
city park
bonds.

19. *And be it enacted*, That the mayor and aldermen of said city, for the purpose of paying for the purchase of said tract of land and defraying all the expenses and costs of enclosing, laying out and ornamenting the same, and other expenses incident thereto, shall have authority to issue seven per centum coupon bonds under their corporate seal and the signature of the mayor, to be denominated "Paterson City Park Bonds," to an amount not exceeding one hundred thousand dollars, with interest payable semi-annually, and redeemable at such time or times within twenty-five years from the issuing thereof, as the said mayor and aldermen may deem proper, and to pledge the credit of said city, and all the real and personal property therein, for the redemption of said bonds, which bonds it shall be lawful for the mayor and aldermen to sell, provided that no bond shall be sold for less than par.

Interest on
bonds to be
paid by tax.

20. *And be it enacted*, That the mayor and aldermen of said city shall yearly and every year, until said bonds shall be wholly paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same falls due, and to pay and discharge the principal when the same shall be payable.

Penalty for
injury to
trees, &c.

21. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any fence, railing or other work or thing for the protection or ornament of said park, or shall wilfully destroy, cut, break, or injure any tree, shrub or plant within the limits thereof, shall be guilty of a misdemeanor, and shall upon conviction thereof, before the recorder of said city or other court of competent jurisdiction

tion in the county of Passaic, be punished by a fine not less than five, nor more than twenty-five dollars, and shall also be liable in an action of trespass to pay any damages proved against him.

22. *And be it enacted*, That the mayor and aldermen of the city of Paterson are hereby authorized and empowered to purchase in said city, a suitable site, and erect thereon a public market, a city hall and other public buildings, at a cost not to exceed two hundred thousand dollars, and to employ suitable architects, engineers and other persons necessary to accomplish the purpose hereby contemplated, and to pass all such ordinances, rules, regulations and by laws for the establishment, maintenance, using, renting and governing said market, city hall, and other public buildings, as they may deem proper, Public market.

23. *And be it enacted*, That the said mayor and aldermen are hereby authorized and required to fix and establish the rates of compensation and rents to be paid by those using or leasing said market or any part thereof, and to execute leases to such person or persons, and for such part or parts thereof, and for such term or terms, and for such rent or rents as they may deem proper. Market rents.

24. *And be it enacted*, That for the purpose of paying for such site and for the erection of said buildings thereon, and defraying the expenses incident thereto, the mayor and aldermen of the said city shall have authority to issue seven per cent coupon bonds, under their corporate seal and the signature of the mayor, to be denominated "Paterson City Improvement Bonds," to an amount not exceeding two hundred thousand dollars, with interest payable semi-annually, and redeemable at such time or times within twenty-five years from the issuing thereof as they may deem proper, and to pledge the credit of the city, and all the real and personal property therein, for the payment of the said bonds; which bonds it shall be lawful for the said mayor and aldermen to sell, provided that no bond shall be sold for less than par. May issue city improvement bonds.

25. *And be it enacted*, That it shall be the duty of the said mayor and aldermen to fix the price or rent and compensation to be assessed upon or paid by any person or persons using or occupying the said market and public buildings and grounds, with reference to ultimately paying from the net proceeds thereof the interest and principal of the said "Paterson City Improvement Bonds," hereby authorized to Interest and principal of bonds how paid.

Proviso.

be issued, and the net proceeds received from or on account of said market and public buildings, after paying all expenses for maintaining said market and public buildings, and salaries and wages and incidental charges, shall be applied first to the payment of the interest upon the said bonds, and next, the remainder shall be safely invested and allowed to remain a sinking fund, to be applied to the redemption of said bonds at maturity; *provided however*, if at any time the said net proceeds shall be insufficient to pay the interest on the said bonds as the same falls due, and to pay and discharge the principal at the time it shall become due and payable, then in that case the mayor and aldermen of said city shall order and cause to be assessed and collected by tax, at the time and in the manner as other taxes are assessed and collected, a sum sufficient to pay such deficiency.

Quarterly statement of receipts and disbursements to be made.

26. *And be it enacted*, That when the said Paterson City Improvement Bonds shall be paid and cancelled, so much of the income derived from the said market and public buildings as may be necessary therefor, shall be applied by the said mayor and aldermen to the payment of salaries, wages and cost of repairs and other current expenses required for keeping the whole in good repair, and making such additions thereto as may be deemed to be necessary, and the balance thereof shall be paid to the treasurer of said city quarterly, and such payments shall be accompanied with a statement showing the whole amount of money received during the preceding quarter, and also an account of all moneys paid during the same time, specifying to whom and for what they were paid, which statement shall be verified by affidavit, and one copy thereof delivered to the controller of said city, to be by him filed and properly entered in his books.

Book of account.

27. *And be it enacted*, That the mayor and aldermen shall keep regular books of account in reference to said market and public buildings, and all clerks and agents employed in their service in and about said market and public buildings, shall be sworn to the faithful performance of their duties, and the said mayor and aldermen shall in each year, at least fifteen days before the charter election, make a full report of the receipts and expenditures from and on account of the said market and public buildings, which report shall be published in the same manner as the treasurer's report.

28. *And be it enacted*, That all lands and real estate and property of every kind, which may be owned or held by the

said mayor and aldermen by virtue of this act, shall be exempt from all taxes and assessments.

29. *And be it enacted*, That neither of the said improvements, except that authorized in section seventeen of this act shall be commenced until a majority of the legal votes given at an election for that purpose, held at such time or times and places, one whereof at least shall be in each ward of said city, as the mayor and aldermen thereof shall by ordinance prescribe, shall be in favor of any such improvement upon which a vote shall be so taken; *provided*, that no such election shall be held until the said mayor and aldermen shall ascertain and cause to be published in the Pater-son daily papers, at least twenty days prior thereto, the price for which the Passaic water works can be purchased, and as near as may be the cost of putting them in a condition to meet the present and prospective demands of the city for water, and also the cost as near as may be of new water-works for such purpose.

Improvements not to be commenced until an election in reference thereto is held.

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

Approved, April 4, 1867.

CHAPTER CCXCIX.

An act to incorporate the borough of Frenchtown, in the township of Alexandria, in the county of Hunterdon.

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, contained within the following limits, to wit: beginning at the mouth of the big Nississackaway creek in the river Delaware, at the corner dividing the townships of Alexandria and Kingwood, in the boundary line between the state of New Jersey and the commonwealth of Pennsylvania, hence up the said Nississackaway creek, on the line between the said townships of Alexandria and Kingwood to a corner to lands of William H. Plum and Garret Lair's line, thence in a northwesterly direction along the division line between lands of the said William H. Plum and Garret Lair to the public road leading from Frenchtown to Everittstown, thence in a westerly di-

Boundaries of borough

rection, on the line between lands of the said Garret Lair and Benjamin Everitt to a corner, to lands of Lewis Apgar and Henry Rodenbough, thence still in a westerly direction on the line between lands of the said Garret Lair and the said Apgar and Rodenbough to a corner to lands of Gabriel H. Slater and Samuel B. Hudnit, in the public road leading from Frenchtown to Milford, thence still in a westerly direction on the line between lands of the said Apgar and Rodenbough and the said Slater and Hudnit, and crossing the track and land of the Belvidere Delaware Railroad Company, to the boundary line between the state of New Jersey and the commonwealth of Pennsylvania, in the river Delaware, thence down the said river, on the line between the said state and commonwealth to the place of beginning, shall be and hereby is, erected into a borough or town corporate, which shall be called and known by the name of "The Borough of Frenchtown," and the inhabitants thereof shall be, and hereby are incorporated by the name of "The inhabitants of the borough of Frenchtown," and by that name they and their successors forever shall, and may have perpetual succession, shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever, may have a corporate seal, and alter the same at their pleasure, and may by their corporate name aforesaid, purchase, receive, hold and convey, any estate real or personal, for the public use of said corporation.

Corporate
names.

Restrictions and
liabilities.

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

Town
meetings.

3. *And be it enacted*, That the inhabitants of the borough of Frenchtown, qualified by law to vote at town meetings, shall hold a town meeting at the Nation Hotel, in Frenchtown, on the second Monday of April next, at ten o'clock in the forenoon, and on the second Monday in April in every year thereafter, at the same hour and at such place in said borough as the electors thereof, at their annual town meetings, shall from time to time direct and appoint, which

meetings, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as such meetings in the townships; and the officers thereof shall possess the same powers and be subject to the same duties and restrictions, except where otherwise provided by this act.

4. *And be it enacted*, That at such annual town meetings the citizens of said borough, qualified to vote as aforesaid, shall elect by ballot the following officers, all of whom shall be residents in said borough, to wit: one mayor and six common councilmen, who shall be freeholders of said borough, all of whom shall hold their respective offices for one year, and until others are chosen and legally qualified in their stead; one clerk, one judge of election, one assessor, and one collector, who shall be inspectors of the elections; one town superintendent of public schools, one chosen freeholder, two surveyors of the highways, three commissioners of appeal in cases of taxation, one or more constables, one or more overseers of the poor, as many overseers of the highways, and pound keepers as the inhabitants of the borough shall deem necessary, and as many justices of the peace as the inhabitants of the borough may at any time be entitled to elect; all of whom shall take the same oath or affirmation, give the same security for the performance of their respective duties, hold office for the same time, and in all respects to have the same powers, privileges, rights and jurisdiction, perform the same duties and be subject to the same restrictions, liabilities and penalties as the like officers elected by any township in this state, except where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "borough" shall be substituted.

5. *And be it enacted*, That the first election of borough officers shall be held by the person chosen by the voters present, to preside at or superintend the town meeting, and two inspectors of election, who, together with a clerk for such meeting, shall be chosen in the same manner; and all subsequent elections shall be held by the judge of elections and the assessor and collector, who shall be inspectors of the elections of said borough, a majority of whom shall determine all questions respecting the right of voting at such elections; and the name of each person voting shall be recorded by the borough clerk in a poll list kept for that pur-

pose; each voter shall give a single ballot, designating the names of the persons for whom he votes for each office respectively; the polls shall be kept open until sunset, and when the polls are closed the votes shall be counted, and the number received by each person for each office, certified by the judge and inspectors, or a majority of them, attested by the clerk, and the several persons having a plurality of votes for each office respectively, shall be declared to be elected; and the said board of election shall in all things conform to the laws of this state regulating elections.

Special
elections
to fill
vacancies.

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

Meetings of
common
council.

7. *And be it enacted*, That the mayor and common councilmen shall constitute the common council of said borough, and the said common council shall meet at such times and places as the inhabitants of said borough, at their annual town meetings may designate, or the said common council may by their by-laws appoint; and special meetings of the common council may be called by the mayor, or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum for the transaction of business, and each member present shall be entitled to a vote; the said common council, and its members, collectively and individually, shall possess the powers and perform the duties which by law belong to or are im-

posed upon the township committees of the townships, in the county of Hunterdon; and when performing the duties which belong to the said township committees, shall receive the compensation allowed by law for the performance of such duties; but they shall not be entitled to any pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

8. *And be it enacted*, That the mayor and common councilmen shall each, before entering on the duties of his office, take and subscribe an oath or affirmation before a justice or commissioner of the supreme court, or a judge of the court of common pleas, or justice of the peace, of the county of Hunterdon, faithfully and impartially to execute the duties of his office, which oath shall be filed and kept by the borough clerk. Oaths.

9. *And be it enacted*, That the mayor, for the time being, shall have all the powers, functions and authority of a justice of the peace of the state of New Jersey, under the laws of this state, within the corporate limits of the said borough; and all writs, precepts and process issued by him shall be directed to one of the constables of said borough, who are hereby authorized and required to serve the same; *provided*, that nothing herein contained shall be construed to authorize the mayor to exercise the powers and perform the duties of a justice of the peace, under the act entitled "An act constituting courts for the trial of small causes." Mayor to be ex officio justice of the peace. Provision.

10. *And be it enacted*, That it shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets, sidewalks, highways and public alleys in said borough, preventing and removing all obstructions and encroachment in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the sidewalks; for regulating and preventing the running at large of cattle, horses, sheep, goats, swine and geese; for preventing, abating and removing nuisances; for prohibiting the retail of malt liquors; for imposing a tax on the owners or possessors of dogs and bitches; for lighting the streets; for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly or indecent conduct and drunkenness; for suppressing disorderly or gambling houses and grogeries, and for suppressing vice and By-laws and ordinances.

Penalty for
violation of
ordinances

Proviso.

immorality; for graveling and paving streets and sidewalks; for protecting shade and ornamental trees on the streets, highways and public grounds; for protecting public property, and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for compelling the cleaning of chimneys; for regulating and prescribing the duties of fire engineers and firemen; for regulating or preventing the carrying on of dangerous or noxious manufactures; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the borough; for establishing and regulating public pounds; for restraining vagrancy, mendicants and street begging; for establishing and regulating public markets; and such other by-laws and ordinances, for the peace and good order of said borough as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States, and to enforce the observance of all such by-laws and ordinances by enacting penalties for the violation thereof, either by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars, recoverable with costs, in an action of debt, in the name of the treasurer of the borough of Frenchtown, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said borough, or in either of the townships of Alexandria or Kingwood, in which action it shall be lawful to declare generally in debt for such penalty and give the special matter in evidence; *and further*, the said mayor and justices of the peace in said borough are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Hunterdon county jail, or keeper of the borough prison of said borough, who is hereby authorized and required to receive and safely keep the person so committed; but the costs and expenses of committing and keeping such person shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every by-law and ordinance so passed as aforesaid shall be published in at least one newspaper printed and

published in the county of Hunterdon, and circulating in said borough, at least three weeks successively, once a week, and also posted up in three of the most public places in said borough for the space of twenty days, before such by-law or ordinance shall go into effect; *and provided also*, that no such by-law or ordinance shall be enacted or passed unless the same shall have been introduced before the common council at a previous meeting.

11. *And be it enacted*, That it shall and may be lawful for the common council to appoint special constables to hold their offices respectively during the pleasure of the common council, and to prescribe their duties, powers and compensation, and to pass laws and ordinances enacting that the penalties for the violation of any of the laws and ordinances of said borough may be enforced by information and summary conviction before the mayor or justices of the peace of said borough, or upon the view of said mayor or justices; and the said mayor or justices upon information given upon oath or affirmation, may issue warrant or warrants for the apprehension of any offender or offenders, upon the return of which the same proceedings may be had as upon information and summons.

12. *And be it enacted*, That the common council of said borough shall have power and authority to build and maintain a borough prison, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach of the by-laws or ordinances of said borough, or for any breach of the peace, or any offence against the laws of this state, and every warrant or process of commitment shall specify on its face whether the person committed shall be confined in such borough prison, or in the jail of the county of Hunterdon.

13. *And be it enacted*, That it shall be lawful for the common council of said borough, in common council convened, to make and establish ordinances and regulations for the leveling, grading and paving, flagging, planking or graveling sidewalks in any street or streets in said borough, by the owners of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skillful person or persons, if necessary, to superintend the said work and prescribe the manner in which the same shall be performed; and when any of the said owners shall have fully complied with any such ordinances and regulations, he or they shall

be entitled to receive out of the treasury of said borough one-half of the expense of said work as ascertained and reported to the common council by the person or persons appointed to superintend the said work.

Assess-
ments for
paving, &c.

14. *And be it enacted*, That if the owner of any lot in front whereof the sidewalks shall by such ordinance or regulation be directed to be leveled, graded and paved, flagged, planked or graveled, shall neglect to comply with such ordinance or regulation within forty days from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expenses of conforming to such ordinance or regulation with respect to such lot, to be made, assessed and certified by three assessors to be appointed by said common council, which said assessment shall be examined and approved by the common council.

Liens

15. *And be it enacted*, That one-half of the amount of the assessment or estimate to be made as aforesaid, on any lot in said borough, shall be and remain a lien thereon from the time of the completion and return of such estimate or assessment in manner aforesaid, until paid or otherwise satisfied; and it shall be lawful for the common council, if they shall see fit, in case the owner of any lot or any house and lot within the said borough, shall neglect as aforesaid, to comply with such ordinance or regulation in respect to the sidewalks in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said borough and to sue for and recover in the name of the treasurer of the borough of Frenchtown, for the use of the inhabitants of the borough of Frenchtown, one-half of the amount so paid from the owner or owners of such lot, or his or their legal representatives, with interest and costs in any court of this state having cognizance thereof in an action on the case, for so much money by them paid, laid out and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said estimate or assessment with the proof of the amount paid shall be conclusive evidence for the plaintiff, and the other half of the said assessment shall be paid out of the treasury of the said borough.

Witness or
juror.

16. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, in which the said corporation is a part, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said

borough; and if any person shall be sued or impleaded, by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

17. *And be it enacted*, That the common council shall choose annually a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys (except moneys for the support of public schools, erection of school houses, and purchase of lands for school purposes), and other property belonging to, or due or owing in any way to the said corporation from the collectors and other officers or persons who may have collected or received, or who may hold the same, and safely to keep the same and all vouchers therefor; to pay out said moneys on the warrant of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property and vouchers therefor, as may be in his hands, and at least once in each year to make out a full and true account of all moneys raised and received by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account [to] the borough clerk, at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers circulating in said borough, or posted up in three of the most public places in said borough, at least five days previous to said meeting, and the accounts of the treasurer shall at all times be subject to the examination of the common council, who, in case of default or violation of duty, may remove him from office, and appoint another in his stead, for the remainder of the year, and until a successor is appointed and sworn into office.

18. *And be it enacted*, That such treasurer, whenever appointed, shall execute a bond to the inhabitants of the borough of Frenchtown, in such sum and with such sureties as the common council shall approve, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe an oath or affirmation before the mayor or before a judge of the court of common pleas, or justice of the peace of the county of Hunterdon, faithfully to perform said duties, which oath shall be filed and kept by the borough clerk.

Compensation.

19. *And be it enacted*, That it shall be lawful for the common council to pay unto the treasurer, clerk and other officers and agents of the borough, such compensation for their services as the said common council shall deem reasonable and proper.

Duties of clerk.

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

Proviso.

Licenses.

21. *And be it enacted*, That the said common council, or a majority of them in common council convened, shall have the sole and exclusive right and power of licensing and assessing every inn-keeper, tavern-keeper, and retailer of spirituous liquors, within said borough, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of common pleas in this state; and the said common council shall have the sole and exclusive powers of licensing all menageries or collections of wild beasts or animals, and all circuses, plays or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said borough, which said power of licensing, the said common council may, by ordinance, delegate to the mayor of the said borough, and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe, and all moneys which may be derived from granting such licenses shall go to and for the use of said borough; and if any person or persons shall exhibit or be concerned in exhibiting, or cause to be exhibited within the borough, any matter or thing hereinbefore specified, without having first obtained such license as aforesaid, he, she or they shall be proceeded against under and by virtue of the statute of this state, entitled "An act for suppressing vice and immorality," approved April the fifteenth, eighteen hundred and forty-six, or under and

by virtue of the act entitled "An act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license, from any justice or justices of the peace or not.

22. *And be it enacted*, That the citizens of said borough qualified to vote at town meetings, shall be and hereby are empowered, at their annual town meeting, or at any other meeting duly held for that purpose, to vote, grant and raise such sum or sums of money, for the purposes for which the townships in this state are authorized to vote, grant and raise the same, as the majority of them so assembled shall deem necessary and proper, which vote shall be by ballot; and it shall be lawful for the common council, from year to year, to vote and raise by tax, such sum or sums of money as they shall deem necessary and proper, and the money so voted and granted, shall be assessed and levied and collected with the state and county taxes, by the proper officers, in the same manner and under the like fees, fines and penalties, shall, when recovered, be paid to the treasurer of the borough, for the use of the said borough; *provided*, that all the taxes assessed and levied for borough purposes, exclusive of schools and purposes of education, and the payment of moneys heretofore borrowed by said township for the purpose of paying bounties to volunteers, shall not in any year exceed five mills on the dollar of the assessed value of the property in the borough; and it shall be lawful for said council to borrow money from time to time, in the corporate name of said borough, for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the borough, and signature of the mayor; *provided*, that no loan shall be made without the concurrence of at least a majority of the common council, and there shall not be a greater sum than one thousand dollars raised by loan in any one year, and that the said borough shall not owe over two thousand dollars at one time; *and provided further*, that the tax assessed and collected upon the shares of the capital stock of the "Union National Bank at Frenchtown," and of The Bridge over the Delaware River at Frenchtown, held by, and belonging to any person or persons residing in the said townships of Kingwood and Alexandria, shall be paid by the collector of the said borough of Frenchtown, to the collectors of the said

Taxes

Proviso.

Proviso.

townships of Kingwood and Alexandria respectively, for the use of said townships in proportion to the amount of said stock held and owned in each of said townships; and that the receipt of the said several collectors, for their said respective proportions of said tax, to the said collector of the said borough of Frenchtown, shall be his sufficient voucher and discharge for the same; and that his failure to pay the same, as above directed, upon demand made therefor, shall be considered a breach of his official bond.

Public
schools.

23. *And be it enacted*, That the said borough shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas in the townships are or may be ascertained, which shall from time to time, be paid over to the superintendent of public schools, and applied under the direction of the common council, in the manner prescribed by law, the said borough shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Alexandria, in the county of Hunterdon, are now subject, and be entitled to its just and equitable proportion of the money and property now belonging to the inhabitants of the township of Alexandria aforesaid, which said debts and liabilities, and also said money and property, shall be divided between the said borough of Frenchtown and the said township of Alexandria, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, within the respective limits of said borough and township as established by this act; and any money or property to which the said borough may be so entitled, shall be applied, under the supervision of the common council, for the purpose, and in the manner for and in which they are now authorized to be used by said township; and the said borough shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Hunterdon county.

Paupers.

24. *And be it enacted*, That all paupers who may, when this act shall take effect, be chargeable to the township of Alexandria, shall thereafter be chargeable to, and supported by either that township or the borough of Frenchtown as would have been the case had this act been in force at the time said paupers, respectively, acquired the legal settlement by virtue of which they are to be supported.

25. *And be it enacted*, That the township committee of the

township of Alexandria, and a committee of five, to be appointed by the common council of the borough of Frenchtown, shall meet on the first Monday in May next at the inn or tavern in the village of Mount Pleasant in said township at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as may be, proceed by writing signed by a majority of the members of each committee, to allot and divide between said township and said borough, all the paupers of said township, upon the principles laid down in the preceding section, and all the property and moneys on hand or due to, or from said township, in proportion to the taxable property and ratables within the respective limits of said township, as the same shall remain, and the part of said township hereby incorporated as valued by the assessor at the last assessment, and the said township of Alexandria and the said borough of Frenchtown, shall be liable to pay their respective proportions of the debts due by said township, as allotted and divided as aforesaid, and if any of the persons comprising either of said 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 of each committee shall be final and conclusive; *provided*, that it shall be lawful to adjourn said meeting from time to time, as a majority of those assembled shall see fit.

Division of
borough
and town-
ship prop-
erty.

Proviso.

26. *And be it enacted*, That the inhabitants of the borough of Frenchtown, be authorized and empowered to create school districts, and purchase and hold lands and build school houses thereon, within the limits of said borough, and to elect a superintendent and trustees of schools, and to raise money for the support of schools and erection of school houses, and to exercise all other powers in the establishment, regulation and support of schools within the said borough, in the same manner and as fully as the several townships in this state are now or hereafter may be authorized to do by law.

Superinten-
dent of
schools.

27. *And be it enacted*, That all moneys ordered or directed to be raised for the support of public schools, erecting school houses, and purchase of lands for school buildings, shall be assessed at the same time state, county and other borough taxes are or may be directed to be assessed, and such assessment shall be placed in the duplicate of the assessor of said borough, separate and apart from the state, county or other borough taxes, and shall, when collected by the collector or

Money for
school pur-
poses to be
raised by
tax.

constable of said borough, be paid over from time to time to the superintendent of public schools, and applied by him as directed by the common council of said borough.

Assembly
districts.

28. *And be it enacted*, That the borough of Frenchtown shall constitute one election ward of the third assembly district in the county of Hunterdon, and all elections hereafter held for officers of the county of Hunterdon, and of the state of New Jersey, and of the United States, shall be held within said borough at the place appointed by the inhabitants for the next annual town meeting, and every person resident in said borough entitled to vote at such election, shall give his vote in said borough and not elsewhere; at all such elections, the judge of elections, the two inspectors of elections, and the clerk chosen as aforesaid, shall be respectively judge of elections, inspectors of elections and clerk; and in case of the absence or incapacity to act of any of them, their places shall be supplied in the manner prescribed by law, and they and each of them, or the persons appointed to act in their places, shall possess the powers, perform the duties and be subject to the provisions of the laws regulating such elections.

Act may be
repealed.

29. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and be referred to as a public act in all courts and places, and by all persons; but the legislature may, at any time hereafter, modify, amend or repeal the same, whenever in their judgment such alteration, modification or repeal shall be required for the public good.

Approved, April 4, 1867.

CHAPTER CCC.

Supplement to an act entitled an act to incorporate the Equitable Mutual Life Insurance Company of New Jersey, approved March ninth, eighteen hundred and fifty-nine.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen H. Condit, David A. Hayes, J. Henry Clark, Francis Mackin, John A. Boppe, Cornelius Walsh, Peter S. Duryea, Daniel Dodd, Jacob D. Ver-

milylea, Charles G. Lockwood, Stafford R. W. Heath, and John McGregor, 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 eight, the term of the second class one year thereafter, and 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 three classes shall be supplied by members of the corporation, a plurality of votes constituting a choice; an insurance of one thousand dollars in the company shall be necessary to entitle a member to a vote.

2. *And be it enacted*, That the first election of directors shall be held on the second Wednesday of May, eighteen hundred and sixty-eight, and on the same day each year thereafter, at such time and place in the city of Newark as the directors may designate. Election of directors

3. *And be it enacted*, That if any director of said corporation shall die, refuse to serve, or neglect to act in his said office officially, for the space of four months, (unless absent from the state) then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; if 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 of directors upon notice thereof for two weeks in one of the newspapers of Newark. Vacancies.

4. *And be it enacted*, That the fourth section of said act to which this is a supplement be, and the same is hereby repealed. Repealer.

5. *And be it enacted*, That the directors for the time being or a majority of them, shall have the power to raise a guarantee capital for such an amount and to be held in such a manner as the board of directors may deem expedient for the better security of the insured. Guarantee capital.

6. *And be it enacted*, That they shall moreover have power to make and prescribe such by-laws and regulations as to them shall appear needful and proper for the management and disposition of the stock, property and effects of the corporation and the transaction of its business, and shall have power to appoint an actuary and such additional officers, clerks and agents for carrying on the business of said Officers &c.

corporation as they may deem proper with such allowance to any of its officers and employees as to them shall appear just and satisfactory.

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

Approved April 4, 1867.

CHAPTER CCCI.

An act to authorize the Rector, Wardens, and Vestrymen of Christ Church, at Newton, to convey certain lands.

Preamble.

WHEREAS, the general proprietors of eastern New Jersey did grant by warrant, and caused to be surveyed, to Cortland Skinner and John Johnston, two hundred and ten acres of land, situate near the east and west Jersey line, in the then town of Newtown, in the county of Sussex, in trust for the use of Christ's Church at Newtown in the county of Sussex, and to be conveyed to the said church upon being incorporated; *and whereas*, the said church were afterwards incorporated by the name of "The Rector, Church Wardens and Vestrymen of Christ's Church at Newtown," and the said Cortland Skinner and John Johnston, by deed dated December sixteenth, seventeen hundred and seventy-four, did convey to the said corporation the said tract of land, in trust to and for the support and maintenance of the rector of said church; *and whereas*, Jonathan Hampton, by deed dated December fourteenth, one thousand seven hundred and seventy-four, did convey to the said corporation two lots of land, situate in Newtown aforesaid, one containing ten acres, and one containing fifteen acres, in trust to and for the use of a parsonage, which several tracts of land are fully described in the said deeds respectively; *and whereas*, by reason of the inability of the said church corporation to manage the said lands, a very small income is derived from the same; *and whereas*, the same could be disposed of to great advantage to be obtained therefor, and the money placed at interest upon bond and mortgage, so as to produce a much larger income, and thereby greatly enhance the benefit intended by the said endowments; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Rector, Church Wardens and Vestrymen of Christ's Church at Newton," be and they <sup>Power to
Sell lands.</sup> are hereby authorized and empowered to sell and convey the said lands so conveyed to them as above recited, or any part of the same, in fee simple, to such person or persons, for such sum or sums of money, and invest the same in such manner as they may deem best calculated to ensure the purposes intended by the said endowments, to make and execute absolute conveyances to the purchaser or purchasers thereof.

2. *And be it enacted*, That the purchaser or purchasers of <sup>Title
legalized.</sup> the said lands, or any part of the same, upon conveyance thereof as aforesaid, shall hold the same acquitted and discharged of the said trusts respectively, and in absolute estate.

Approved April 4, 1867.

CHAPTER CCCII.

An act to incorporate the Passaic Land Improvement and Building Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Buckley, Franklin C. Beckwith, Socrates Tuttle, John J. Brown, Adam Carr, <sup>Names of
corporators</sup> Henry B. Crosby and Thomas Barbour, and all such persons as may hereafter be associated with them their successors and assigns shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Passaic Land Improvement and Building Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in the county of Passaic as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid.

2. *And be it enacted*, That the stock, property and concerns <sup>Election of
directors.</sup> of the said corporation shall be managed and conducted by

seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Passaic, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents as they shall think fit, and if any time it shall happen that any vacancy or vacancies occurs, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Benjamin Buckley, Franklin C. Beckwith, Socrates Tuttle, John J. Brown, Adam Carr, Henry B. Crosby and Thomas Barbour, who shall hold their office until the first Monday in May next, or until others are legally chosen.

Names of
first direc-
tors.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such instalments, and at such times and in such proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper published in the county of Passaic, or shall be given in writing to the stockholders for the like

space of time before such instalments are required to be paid; and in case of 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 stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time, in the county of Passaic as the directors shall appoint, notice being given previous thereto for two weeks in a newspaper printed in said county; and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold, from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed; or by erecting or causing to be erected thereon buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes, or in any other way that the said corporation may deem necessary and advisable, and to purchase, make up and manufacture, sell and dispose of all material pertaining to the erection of such buildings; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds, the said company shall have power to convey, or pledge, by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two thirds of the value of the real estate held by said company.

Authority
to issue
bonds.

Proviso.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or

May make
by-laws, &c.

Proviso.

Not to be
dissolved
by failure
to elect.

disposition of the stock, effects and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

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

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

Approved April 4, 1867.

CHAPTER CCCIII.

An act to incorporate the Eureka Base Ball Club, of Newark, N. J.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick G. Agens, Charles E. Thomas, William A. Jackson, John H. Holden, Frederick Callaway, Jr., Joseph Burroughs, Jr., Edward A. Ward, Edward R. Pennington, Ichabod W. Dawson, John H. H. Breintnall, Frederick M. Bolles, Caleb Harrison Condit, Dennis Osborne, John Kase, Jr., William E. Sturges, and such other persons as now or may hereafter become associated with them, be and they are hereby constituted and made a body politic and corporate, by the name of "The Eureka Base Ball Club, of Newark, New Jersey," and by that name they and their successors, may at all times hereafter be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity or elsewhere.

Object.

2. *And be it enacted*, That the objects of this club shall be the improvement and perfections of physical education, engaging in proper and lawful games of active exercise and amusement, and of promoting social intercourse among its members.

3. *And be it enacted*, That the said club shall and may at

all times hereafter, be capable of having, holding, purchasing and possessing, any lands, tenements or hereditaments, (not exceeding in all twenty-five acres) or any personal estate, conveyed, devised or bequeathed to the said club, by any person or persons, body politic or corporate. May hold real estate.

4. *And be it enacted*, That for the purposes of carrying into effect the objects and purposes of said club, it shall be lawful for said club to hold upon their grounds from time to time, and as often as they shall deem proper, base ball, cricket and skating matches, or exhibitions of feats of strength, and all games requiring skill and science, and to give to all competitors at such games, matches and exhibitions, premiums and other rewards, and to ask, demand and receive, for the said club's own use, such reasonable fees for admittance of competitors and visitors to the said grounds, games, matches and exhibitions, as the said club may deem proper. Premiums and rewards.

5. *And be it enacted*, That the capital stock of the said club shall not exceed fifty thousand dollars, and shall be divided into shares of ten dollars each, which shall be transferable in the manner and upon such conditions as may be prescribed by the by-laws of the said club. Amount of capital stock.

6. *And be it enacted*, That the said club, at any meeting of its members, shall have power to make and enact such constitution, by-laws, rules and regulations for the transacting, managing and conducting the affairs of said club, and for the maintaining and preserving good order and conduct among the visitors on the grounds and premises of said club, as they may deem necessary; *provided*, that the same shall not be contrary to the laws or constitution of the United States or of this state; and from time to time may alter, modify and repeal the same; and by said constitution, by-laws, rules and regulations the said club may determine the amount of the uniform monthly payments to be required of each member of the said club, for the maintenance and support thereof, and may thereby also determine the mode of suspension or expulsion of members for violation of or disobedience to the said constitution, by-laws, rules and regulations, or any of them. May make rules and by-laws. Proviso.

7. *And be it enacted*, That the said club may by its by-laws determine and regulate what officer shall be elected or appointed, to manage and conduct its affairs, the time, place, mode, and manner of their election or appointment, and their powers and duties and time of meeting. Officers.

Who may
voto.

8. *And be it enacted*, That no stockholder shall be entitled to vote in said club at any election for officers or in any matter whatever, unless he shall have been elected to membership to said club, and any stockholder may be elected a member of such club, at such time, in such manner and under such conditions and restrictions, as the by-laws of said club may prescribe; and each member shall be entitled to one vote and no more, at any election or meeting of said club; any member who may be expelled or suspended from membership in said club, under the constitution or by-laws thereof, shall not be entitled to vote at any election or meeting, until he shall have been restored to membership in said club, or his suspension be removed.

Police.

9. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum upon the grounds and premises of said club, and among the visitors and spectators thereat, it shall be lawful for the said club to appoint from time to time one or more fit, proper, or discreet person or persons, who shall take and subscribe before the sheriff or one of the judges of the court of common pleas in and for the county in which the grounds of the said club may be located, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of said county, and shall be of the like form and effect as now required by law for constables to take and subscribe; and they shall have power and authority to arrest all persons who shall be found upon the ground and premises of said club, violating any of the laws of this state, or who shall there or in the immediate vicinity, be conducting themselves in a disorderly manner, to the annoyance or disturbance of said club, or such visitors or spectators, or who shall disturb or wrongfully interfere with the peace and good order of said club, at any of its public meetings, matches or assemblies; and the parties so arrested, shall, as soon as conveniently may be, be taken before some justice of the peace of the county, there to be dealt with according to law.

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

Approved. April 4, 1867.

CHAPTER CCCIV.

An act to authorize the Trustees of School District Number Twelve, in the township of Morris, to raise money by taxation, in the years eighteen hundred and sixty seven and eighteen hundred and sixty-eight.

WHEREAS, at a meeting of the taxable inhabitants of school district number twelve, in the township of Morris, in the county of Morris, held pursuant to the duly advertised call of the trustees of said school district, at Washington Hall, in Morristown, on the twelfth day of February, anno domini eighteen hundred and sixty-seven, it was resolved by and with the consent of two-thirds of those present, that the trustees of said school district be authorized to raise by tax the sum of twenty-six thousand dollars, in two equal assessments of thirteen thousand dollars, each to be raised in the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, for the purpose of purchasing a lot and building a school house thereon; *and whereas*, there is some doubt, whether under the existing school laws, such tax of twenty-six thousand dollars can be apportioned into two assessments, one to be raised in the year eighteen hundred and sixty-seven, and one to be raised in the year eighteen hundred and sixty-eight; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such apportionments of such assessment be valid, and that the trustees of school district number twelve, in the township of Morris, be authorized in pursuance of the said resolution adopted at said meeting to raise by taxation for the purpose of purchasing a lot and building a school house thereon, the sum of twenty-six thousand dollars in two equal amounts, viz: thirteen thousand dollars thereof in the year eighteen hundred and sixty-seven, and thirteen thousand dollars thereof in the year eighteen hundred and sixty-eight, and that the proper certificates of the order to raise such money, shall be furnished by two at least of the trustees of said school district in the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight respectively, to the assessor of Morris township in said years respectively, pursuant to the provisions of an

Preamble.

Trustees to
raise money
by tax.

act entitled "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six, and to the provisions of the supplements thereto, and that said moneys be assessed, levied and collected; thirteen thousand dollars thereof in the year eighteen hundred and sixty-seven, and thirteen thousand dollars thereof in the year eighteen hundred and sixty-eight, pursuant to the provisions of the act last named and to the provisions of the supplements thereto.

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

Approved April 4, 1867.

CHAPTER CCCV.

An act to incorporate the trustees for the management and care of the fund for the improvement and care of the church yard and grounds of St. Peter's Church, in Morristown.

Corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Mills, Charles H. Dalrymple and Henry W. Miller, and their successors, being members of the Protestant Episcopal Church, be and they are hereby constituted a body corporate by the name of "The Trustees of the Fund for the improvement and care of the Church yard and grounds of St. Peter's Church in Morristown," and by that name shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act concerning corporations, approved February fourteenth, eighteen hundred and forty-six, and shall be capable of taking and holding by gift, grant, or bequest, such property as may be necessary for the purposes of the corporation; *provided*, the yearly value thereof shall not exceed two thousand dollars.

Object.

2. *And be it enacted*, That the object of said corporation shall be the management and care of the fund already provided, together with that which may hereafter be contributed or acquired, and any accumulation thereon, for the improvement and care of the church yard and grounds belong-

ing to the corporation known as "The Rector, Wardens and Vestrymen of St. Peter's Church, in Morristown, New Jersey," and the appropriation of the income of the fund for that purpose, according to the directions to be from time to time given by the vestry of said church.

3. *And be it enacted*, That the management of the affairs and concerns of the said corporation hereby created shall be, and hereby is vested in three trustees, who shall be residents of Morris county, and members of the Protestant Episcopal Church; that the three persons named in the first section of this act shall be the first trustees, and that a majority of the trustees shall constitute a quorum for the transaction of business, that they shall keep a book of minutes in which a record of their proceedings shall be kept, and that said book shall always be open for the inspection of the vestry of said church.

Trustees to keep a book of proceedings.

4. *And be it enacted*, That a statement of the proceedings of the trustees, exhibiting the condition of the funds entrusted to their charge, together with an account of the receipts and disbursements, signed by the trustees or a majority of them, shall be made to each meeting of the vestry held next after the annual elections of the wardens and vestrymen in each year.

Statement of receipts and disbursements

5. *And be it enacted*, That in case of the death, resignation, or removal from Morris county, of any of the said persons above named, as trustees, the vacancy or vacancies so caused shall be filled by the vestry of said church, and all other future vacancies occurring by either death, resignation or removal from Morris county, shall be filled by the said vestry.

Vacancies how filled.

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

Approved, April 4, 1867.

CHAPTER CCCLVI.

An act to incorporate the Stockton Ice Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That George W. Sharp, Joseph V. D. Satphin, John Finney, Tobias Shadinger, William Bodine, Names of corp orators

William V. Case and Daniel R. Sharp and their associates, shall be, and they are hereby, created a body politic and corporate, by the name of the "Stockton Ice Company," and by that name the said company shall have power to purchase and hold such real estate in the township of Delaware, and county of Hunterdon as may be necessary, not exceeding two acres, and to erect and construct thereon such buildings and fixtures for the procuring, storing and selling ice as may be necessary, and to procure, store and sell ice, either at wholesale or retail, 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.

Amount of
capital
stock.

2. *And be it enacted,* That the capital stock of said corporation shall be twenty 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 instalments, and upon such notice as the said corporation may, by its by-laws or otherwise direct or appoint, and in case of a failure by any stockholder to pay his or her instalment at the time and place appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of the said corporation.

Stock trans-
ferable.

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 may direct; that every share of stock shall be entitled to one vote by the holder or owner thereof, which may be given in person or by proxy.

Names of
first
directors.

4. *And be it enacted,* That the affairs of said corporation shall be managed by a board of five directors, and three of whom shall be a quorum to transact business, but any less number shall have power to adjourn, and that said George W. Sharp, Joseph V. D. Sutphin, John Finney, William V. Case and Daniel R. Sharp shall be, and they are hereby appointed the first board of directors to serve until the first Monday in June 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 of June next, or until another shall be appointed in his stead, and should a vacancy occur by death or otherwise in the said board of directors, the same may

be filled by said board at their next, or a subsequent meeting, until the next annual meeting and election.

5. *And be it enacted*, That an annual election of directors shall be held at Stockton, in said township of Delaware, on the first Monday of June 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 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 of June 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 directors for the time being shall or may appoint, and the directors for the time being shall continue in office until new ones are elected, or they re-elected in whole or in part; the said board of directors shall elect from their number a president, who shall preside at all meetings of the board, but in case of his absence, any director present may be chosen president pro tempore; special meetings may be held by appointment of the board, or upon call of the president, and stated meetings as the by-laws prescribe.

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 to elect directors, 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 previous year, and shall produce the books, accounts, and papers of the corporation, if requested by any stockholder, and that the principal office shall be in the county of Hunterdon.

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.

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

Approved, April 4, 1867.

CHAPTER CCCVII.

An act to incorporate the New York Associates.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Frederick A. Giles, William A. Wales, Fayette S. Giles, George C. F. Wright, Alexander H. Wallis, James K. Place, James D. Sparkman, Chancellor H. Brooks, Rollo F. Pratt, Sylvester M. Beard, and Blakely Wilson, and such others as they may associate with them, shall be and they are hereby incorporated and made a body politic by the name of the "New York Associates," the object of which company is the erection and fitting up with power of buildings to be called the "New York Associates Buildings," to be rented, leased and used for manufacturing and other purposes, said buildings to be located near the factory of the United States Watch Company in the town of Bergen, county of Hudson, in this state, where their principal office shall be.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times upon such notice, and in such manner and instalments as the directors of said company by their by-laws or otherwise may direct; and in case of failure of any stockholder or subscriber to pay his or her instalments at the time and place appointed as aforesaid for the payment thereof, such stockholder or subscriber shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company.

3. *And be it enacted*, That the capital stock of the company shall be deemed personal property, and the shares shall be transferable only on the books of the company in such manner as the board of directors may by their by-laws direct, and every share shall entitle the holder to one vote, either in person or by proxy, at an election for directors.

4. *And be it enacted*, That the affairs of said company shall be managed by eleven directors to be chosen annually by the stockholders of said company, except the first directors as below named, at such times and in such manner as the by-laws of said company may direct, who shall serve for one

year, and until others are chosen in their stead, notice of which election shall be given for two weeks next previous thereto, in some newspaper published in the county of Hudson, and the said directors shall from time to time elect a president from their number, and shall also elect and employ such other officers and agents as may be convenient or necessary, who shall receive such compensation as the board of directors shall determine.

5. *And be it enacted*, That Frederick A. Giles, William A. Wales, Fayette S. Giles, George C. F. Wright, Alexander H. Wallis, James K. Place, James D. Sparkman, Chancellor H. Brooks, Rollo E. Pratt, Sylvester M. Beard, and Blakeley Wilson, shall be the first directors of said company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead. Names of first directors..

6. *And be it enacted*, That as soon as said company shall be organized, it shall be lawful for them, and they are hereby authorized, to purchase, lease and hold such real estate and other property in the town of Bergen, in the county of Hudson in this state, as they may deem advisable for their interests, and necessary for the erection of the said New York Associates Buildings, to improve the same by grading it, laying it out into lots and streets, and by the erection of the said associates buildings thereon, and to sell and convey, and to let the same at pleasure, and that said company may pay for all such real estate and other property, in the shares of their capital stock at such price as the company may deem best for its interest; and to hold and execute all instruments and conveyances necessary for the purchasing, leasing, mortgaging and selling of said property, or any part thereof. May hold real estate..

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

8. *And be it enacted*, That for the purpose of improving their property, and to enable them to raise money to carry out any of the objects of this act, the said "New York Associates," are authorized and empowered to issue their bonds, not exceeding two-thirds of their capital stock, bearing interest not exceeding seven per centum per annum, and to secure the same by mortgage upon the whole or any part of their property, and their franchises and chartered rights. May issue bonds.

May make
by laws.

9. *And be it enacted*, That the said company may from time to time make, alter, and repeal by-laws for the government of the company, its officers and agents, and the preservation and use of its property, and for the protection of the said buildings, structures, lots, streets, squares, lanes, alleys, and other division of the said land; *provided*, that no such by-law shall conflict with any law of this state; *and provided* further, that nothing in this act contained shall prevent the creation by law of any such municipal government or authority over said streets, squares, lanes and alleys, as may be deemed by the legislature from time to time just and proper.

Proviso.

Proviso.

Rights and
powers.

10. *And be it enacted*, That the said company shall possess all the rights and powers incident to a corporation.

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

Approved April 4, 1867.

RECEIVED

CHAPTER CCCVIII.

A supplement to an act entitled "An act relative to the compensation and duties of the law and chancery reporters of the state."

Time
extended.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement, be, and the same is hereby continued in force for two years, unless sooner altered or repealed; *provided*, that said reporter deliver to the state the number of volumes specified in the act to which this is a supplement, within four months from the time a sufficient number of opinions are delivered by the court or courts to make a volume.

Opinions to
be filed.

2. *And be it enacted*, That it shall be the duty of the chancellor and of the judges of the court of errors and appeals, to file all opinions delivered by them in the office of the clerks of their respective courts, within twenty days after the delivery of such opinions, and the said clerks shall within twenty days after such opinions are filed, make and deliver to the chancery reporter fair and legible copies thereof, for which they shall be paid by the state treasurer the sum

of eight cents per folio upon their respective accounts therefor being audited by the state comptroller.

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

Approved, April 4, 1867.

CHAPTER CCCIX.

An act to incorporate the Valentine Oil Warehousing and Transportation Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles H. Valentine, Robert M. Ward, William H. Whiton, William H. Phelps, Edward H. Valentine, Charles W. Jones, and all persons who may hereafter be holders of the stock hereinafter named, and their successors, are hereby declared and constituted a body corporate and politic in fact and in law, by the name of the Valentine Oil Warehousing and Transportation Company, and by that name shall have all the powers, rights and privileges appertaining to corporate bodies under the general laws of this state, so far as the same may be necessary and useful for the purposes and objects of this corporation.

Names of
corporators

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, with power to increase the same to four hundred thousand dollars, to be divided into shares of one hundred dollars each.

Amount of
capital
stock.

3. *And be it enacted*, That Charles H. Valentine, Robert M. Ward, William H. Whiton, William H. Phelps, and Edward H. Valentine, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such times and places in Jersey City, or at Penhorn in said county, (where they shall have an office) as they or a majority of them may direct, giving at least fifteen days' notice thereof by publishing the same in at least one newspaper published in Jersey City, and the said commissioners shall open books of subscription for said stock at such times and places, and shall cause the same to be kept open at the places so appointed at least three days.

Names of
commis-
sioners to
receive
subscrip-
tions.

4. *And be it enacted*, That at the time of subscribing for the said stock, twenty dollars shall be paid upon each share or instalments

satisfactorily secured, and the residue of the subscriptions shall be paid or secured in such instalments, and at such times and places as the president and directors of the company shall from time to time direct, giving at least ten days' public notice thereof by publishing the same as aforesaid, and upon failure of payment or security 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 or secure the said instalments, or any one of them, to and for the use of the company.

Election of
directors.

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

General
powers of
directors.

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

7. *And be it enacted*, That the said corporation, in its corporate name, shall have full power to acquire, by purchase or otherwise, and hold, lease and convey such real and personal estate as may be necessary to carry out the objects of this corporation, to erect warehouses for the storage of oils, and to transport petroleum and mineral oils and their products, and to buy and sell the same on commission or otherwise; *provided*, that warehouses for the storage of oils shall not be within the corporate limits of Jersey City or Hoboken, and it shall not be lawful to store, keep, or unnecessarily delay petroleum, kerosene, rosin oil, coal oil, mineral oils or their products within the limits of said city.

May hold
real estate.

Proviso.

8. *And be it enacted*, That the capital stock of this company shall be considered as personal property, transferable upon the books of the company, and it shall be the duty of the said board, or a majority thereof, to make from time to time such dividends of the net profits of the said company as they may deem advisable.

Stock trans-
ferable.

9. *And be it enacted*, That this act shall continue in force for thirty years, unless sooner modified or repealed, and that the legislature may at any time hereafter, alter, modify or repeal the same.

Limitation.

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

Approved April 4, 1867.

CHAPTER CCCX..

A supplement to "An act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be and it is hereby amended, so that hereafter the council of said city of Hoboken shall have power to pass, alter and repeal ordinances, to take effect within said city, for the following purposes:

Ordinances

First. To appoint one or more inspectors of lumber and wood; one or more weighers and sealers of weights and measures; one or more gaugers, and whenever a sworn certificate

Inspection
of weights
and meas-
ures &c.

is required in any business or occupation, said council may appoint one or more officers, who shall have power to administer oaths and to give the same; said council shall have power to prescribe the duties of said officers, fix the term of office, their fees and salary, and the mode of their removal from office; but nothing in this section shall be construed as authorizing the council to prohibit any person not appointed by them from exercising any trade or vocation named in this section.

Assessment maps. Second. To cause a general assessment map to be made for said city.

Compensation. Third. To pay each of the assessors of said city a fair compensation to be based upon the service actually performed in each ward; *provided*, that such compensation shall not exceed four hundred dollars per annum for any one ward; to pay the street commissioner six hundred dollars per annum and the city clerk fifteen hundred dollars per annum.

Erection of city hall. Fourth. To purchase ground for a city hall, and to erect a city hall thereon, or to purchase improved property and convert the same by proper alterations to like use; the cost thereof not to exceed fifty thousand dollars in payment thereof the mayor and council of said city may issue bonds bearing interest at the rate of seven per centum per annum, and payable in such instalments and at such times as said council may deem proper; said council may also sell said bonds at not less than par, and use the proceeds thereof to pay for said city hall.

Election to be held. The said council shall not, however, be authorized to incur any indebtedness for this purpose, unless they first obtain the assent thereto of a majority of the electors of the city of Hoboken, and for this purpose at the next charter election, the electors entitled to vote for the mayor of said city, shall express their assent thereto, or their dissent therefrom by depositing their ballots in the ballot box used for said charter election, and those electors who are in favor of said council incurring said indebtedness shall each deposit a ballots containing the words "City Hall," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No City Hall" written or printed thereon; and a canvass and return of the votes shall be made by the judges of said charter election to the council of said city; and if a majority of those who vote at such election are

found to be in favor of building a city hall, then and not otherwise, said council may incur said indebtedness.

Fifth. To purchase one thousand feet of hose for the fire department at a cost not to exceed eighteen hundred dollars. Fire department.

Sixth. To issue bonds or city script in payment for the engine house or lot, number ninety-eight, Meadow street, in said city, said bonds or city script not to exceed in amount six thousand dollars; all the proceedings of the mayor and council of said city heretofore taken in reference to said engine house, is hereby ratified and confirmed and made as valid and effectual in law as if the same had been duly authorized by law before any action whatever had been taken by said mayor and council in reference thereto. May issue bonds, for fire department purposes.

Seventh. To pay all assessments that now or may hereafter be made by the commissioners on the Third street sewer, against the public squares in said city; *provided*, the same do not exceed the sum of three thousand dollars. Assessments. Proviso.

Eighth. To build, construct and continue the Bloomfield street sewer to the southerly line of the city, and to assess the cost of the same on the lands through which said parts of sewer passes; *provided*, that a petition signed by the owners of at least two-thirds of the property along the line of such sewer be first presented to the said mayor and council. Sewers.

Ninth. To build and construct receiving basins to connect with any public or private drain or sewer, whenever they may deem the same necessary or proper; and no petition shall be necessary therefor, and the cost thereof shall be assessed upon and collected from the property benefited thereby. Receiving basin for sewer.

Tenth. To allow the collector of assessments to receive one and one-half per centum on the amount of all sales of real estate, when the same is actually sold for non-payment of assessments. Compensation of collector of taxes.

Eleventh. To allow the collector of arrears of taxes three per centum on the amount of all sales of real estate where the same is actually sold for non-payment of taxes, and to charge the same against the property sold. Compensation of collector of arrears of taxes.

2. *And be it enacted*, That the assessors in the city of Hoboken shall, immediately after they have made their assessments, serve a notice on each party assessed, if living in said city, stating the valuation made of the real and personal property of said party. Notices of assessments made

3. *And be it enacted*, That section forty-four of the act to

Amend-
ment to
original act

which this is a supplement be and the same is hereby amended, by striking out the following words in said section, namely, "five per centum additional" and inserting in lieu thereof the words "fifteen per centum additional," and notifying said party when the commissioners of appeal in cases of taxation will meet.

Amend-
ment to
original act

4. *And be it enacted*, That the title IV, ninth sub-division of the fortieth section of the act to which this is a supplement, be and is hereby amended by adding the following: "and to raise by bonds or direct taxation, as may be deemed for the best interests of the city the necessary bonds therefor."

Proceed-
ings to be
published.

5. *And be it enacted*, That the proceedings of the council and the board of education of said city, and such matters and things as are directed by said charter to be published, shall hereafter be published in two of the newspapers printed and published in said city in which the laws of this state are now directed to be published.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed to be a public act and take effect immediately.

Approved April 4, 1867.

CHAPTER CCCXI.

An act to incorporate the Godwinville and Paterson McAdamized Road Company.

Names of
corporators

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendyke, Isaac Demarest, John W. Ray, Albert A. Hopper, and Cornelius Van Winkle, and the survivors of them, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "the Godwinville and Paterson McAdamized Road Company."

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, with privilege to increase the same to thirty thousand dollars, and shall be divided into shares of fifty dollars, which shall be deem-

ed personal estate, and be transferable in such manner as the by-laws of said corporation shall direct.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company at such time and times, place and places in this state, and upon such notice as they shall direct; and at the time of subscribing for said stock, ten per cent. on each share subscribed, shall be paid to the said commissioners, or satisfactorily secured to be paid, and the residue may be called in by the directors, and shall be paid to them in such instalments as they shall direct, giving notice thereof by service of notice upon each stockholder, or by a notice published in two newspapers printed in the city of Paterson, for ten days prior to the time required for the payment of such instalments; and upon failure of any person to pay such instalments, or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, and all payments thereon, to and for the use and benefit of the said corporation, which may hold or dispose of the same as the said directors shall determine.

Commissioners to receive subscriptions to capital stock.

4. *And be it enacted*, That whenever two hundred shares of the said stock shall be subscribed, and ten per centum thereof paid in or secured to be paid as before directed, the said commissioners, or a majority of them, shall give notice as above specified for a meeting of the stockholders for the purpose of choosing directors and organizing said company, and of which election the said commissioners shall appoint three persons to act as judges; and said stockholders when so met shall proceed to elect by ballot from among the stockholders five directors, who shall hold their office for one year and until others are elected; each stockholder shall be entitled at all elections of the company to one vote for each share of stock, either in person or by proxy, and a majority of the board of directors shall at all times be a quorum for the transaction of business.

Election of directors.

5. *And be it enacted*, That when the first board of directors shall be elected as aforesaid, the said commissioners shall pay to said board all money received by them for subscriptions to said capital stock, first deducting their reasonable expenses; and the directors and their successors shall thereafter cause an election for directors to be held annually at such time as their by-laws shall prescribe; that the said directors shall elect from their own number, a president who

Election of a president.

shall hold his office for one year and until his successor shall be duly elected, and the said board shall have power to appoint a secretary, treasurer, and such other officers, clerks and agents as they shall choose.

Not to be dissolved by failure to elect.

6. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time to be appointed by the directors for that purpose; and the directors for the time being shall continue to hold their offices until others shall have been duly chosen in their places.

Vacancies how supplied.

7. *And be it enacted*, That the said directors, or a majority of them may supply any vacancy that may occur between the annual elections by death, resignation, removal or refusal to act of any director or officer, and shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same be not repugnant to the constitution or laws of this state or of the United States.

Proviso.

May lay out and construct road.

8. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the powers necessary and expedient to survey, lay out and construct a turnpike road; *provided* consent is first obtained from two-thirds of the property owners along said road, not exceeding three rods wide, from some suitable point at or near Godwinville in the township of Franklin, in the county of Bergen, to some point in the city of Paterson, in the county of Passaic, at or north of the junction of North Main street with Water street in said city, and to lay out and construct the same on and along the public highway between the intersection of the New Prospect road and the Godwinville road at Godwinville, to the junction of North Main and Water streets, in the city of Paterson, or on and along so much and such parts of said public highways as the nature of the same will allow, and the said president and directors shall deem proper and expedient; and at least sixteen feet of the said turnpike road shall be sufficiently McAdamized or bedded with stone, not less than eight inches in depth and faced

with 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 they shall rise above an angle of six degrees with the plane of the horizon, and the said company shall construct, keep in repair, make and maintain good and sufficient bridges not less than sixteen feet in width whenever the same shall be necessary, along the line of said road; 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 railings to be erected and maintained at the sides so as to prevent horses and carriages from running off; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike; and in case the said company and any of 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 damages which any land owner or owners may sustain by the taking of stone, gravel or other materials from his or her land for the constructing and maintaining of said McAdamized turnpike road; *provided, also*, that the said company shall have power to take only the right of way over the lands wherever the said road is to be constructed, paying damages which the owner or owners will sustain thereby, to be ascertained as hereinafter mentioned, and the commissioners, if appointed as hereinafter *provided*, shall have power to assess damages for the right of way only, and for the expenses of removing, making and maintaining such fences through any improved lands, as shall be necessary on the line of said road.

9. *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 enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, that when the said company or its agents

Proceed-
ings when
company
and owners
cannot
agree.

cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of said company in the construction or repairs of said road, shall be given in writing, under the oath or affirmation of some engineer, officer 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 known, to one of the judges of the circuit court of the county in which said lands or materials lie, or if the same are situate in two counties, then to a judge of the circuit court of either county who shall cause the company to give notice thereof to the persons interested, if known and resident 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 twenty days, and to assign a particular time and place for the appointment of 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, commissioners to examine 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 judge making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and proceed to view and examine the said lands or materials, and shall make a just and equitable estimate and assessment of damages, and shall report what sum, if any, shall be paid by said company for such lands or materials, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and be 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 said lands or materials lie, and if they lie in more than one county then in the clerk's office of either county, to remain of record therein, and shall be

recorded by the 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 to the owner or owners of such land or materials, or if such owner or owners reside out of this state, or cannot be found, then to the clerk of said county, for the use of said owners, of the damages so assessed and reported, and of the right of said owner or owners to recover the amount of said damages with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against said 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 judge shall tax and allow such costs, fees and expenses to the said judge, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, and which shall in all cases be paid by the said company.

10. *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 ninth section, and the true interest and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile, and all fractions of a mile of the said road not exceeding the following rates to wit:

Gates to be erected.

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, one cent.

For every dozen of calves, sheep or hogs, and so in proportion for any greater or less number, two cents.

For every dozen of horses, mules or cattle, and so in proportion for any greater or less number, six cents.

and it shall be lawful for any toll-gatherer to stop any person or persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through any of the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that the said company shall not demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from a funeral, or to or from his

Proviso

common business on his farm, or from any military officer or soldier passing or repassing, when called to military duty under the laws of this state or of the United States; *provided*, that no toll or turnpike gate shall be created or maintained on any part of said road within the corporate limits of the city of Paterson; *provided, also*, that it shall be lawful for all persons owning lands on and along the route of said road, to pay the amount of road tax for which they may be assessed in their respective townships yearly and every year to the said company, instead of to the said townships, and the payment of such road tax to the said company as aforesaid shall exempt the persons paying the same to the company from the payment of any tolls or charges for passing on or over said road.

Mile stones
to be
erected.

11. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones or posts to be erected, 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 Paterson; and shall cause to be fixed and always to be kept up at the gates aforesaid in a conspicuous place, a printed or painted list of the rates of toll which may be lawfully demanded.

Penalty for
defacing
mile-stones
&c.

12. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the milestones or posts so erected on the said road, or shall wilfully tear down or deface any of the rates of toll, shall cut, break down destroy or otherwise injure any gate, turnpike or bridge that shall be made or erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at any such gate or turnpike, such person or persons 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 in an action of debt or other proper action in any court of competent jurisdiction with costs of suit; and if any person shall, with carriage, team or horse, turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through such gate or gates, to be recovered by said company to their use in an action of debt with costs of suit.

13. *And be it enacted*, That if any toll gatherer shall unne-

cessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of twenty dollars with costs of suit, in an action of debt to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or delayed.

Penalty for
delaying
travellers.

14. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, whether of burden or pleasure, and all 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 or persons on horseback; and if any person shall offend against this provision, such person or persons besides being liable to make compensation for all damages, shall forfeit and pay the sum of ten dollars to any person or persons who shall be obstructed in his or her passage and will sue for the same, to be recovered in an action of debt with the costs of suit.

Penalty for
obstructing
passage.

15. *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 said company to erect a toll gate across said road and to demand and receive toll for traveling thereon agreeably to the foregoing rules.

When toll
may be de-
manded.

16. *And be it enacted*, That if any person shall place or cause to be placed, any obstruction on or along said turnpike road that may interfere with the travel or any of the drains of the same, every such person shall for such offence forfeit and pay to said company ten dollars, to be recovered in an action of debt with costs of suit in any court of competent jurisdiction.

Penalty for
obstructing
road.

17. *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, then and in that case this act shall be void.

Time for
commence-
ment and
completion
of road.

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

Approved, April 4, 1867.

CHAPTER CCCXII.

A further supplement to an act entitled "An act to provide for the support of the government of this state and to fix the salaries of public officers."

Time
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act approved April sixth, eighteen hundred and sixty-five, entitled "A further supplement to an act to provide for the support of the government of this state and to fix the salaries of public officers, approved April fourth, eighteen hundred and forty-five," be and the same is hereby extended for the term of two years.

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

Approved April 4, 1867.

CHAPTER CCCXIII.

A further supplement to the act entitled "An act to create the county of Union," approved March nineteenth, eighteen hundred and fifty-seven.

Boundary
line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following described line shall be the boundary line between the city of Rahway, in the county of Union, and the township of Woodbridge, in the county of Middlesex, viz: beginning at the monument set on the present boundary line between the counties of Union and Middlesex, near the head of Milton Lake, and running thence south, eight degrees and four minutes west, five hundred and twenty-three feet along the road west of Milton Lake; thence south seventy-one degrees and fifty-eight minutes west, five hundred and three feet along the centre line of the road leading to the Hazlewood Cemetery gate; thence south twenty-nine degrees and eighteen minutes west, two hundred and sixteen feet along the road from Plainfield; thence south fifty-four degrees and thirty-five minutes east,

three hundred and fifty-seven feet along the centre line of said road; thence south twenty-four degrees and eight minutes west, nineteen hundred and eighty-two feet along the centre line of the road leading to the Mount Pleasant road; thence along the centre line of the road leading to the six roads to the monument of the present boundary line; set about one hundred and sixty feet south of the house known as the Carmichael house; thence in a straight line to the intersection of the centre line of St. George's Avenue, with the centre line of Randolph Avenue, shown on the map of the City of Rahway, made by the commissioners appointed to lay out streets, avenues and squares in the said city; thence north eighty-three degrees and thirty-six minutes east, along the centre line of Randolph Avenue, to the prolongation of that portion of the present city boundary which crosses the Rahway river below Rahway Port; thence along the present city boundary to the Rahway river.

2. *And be it enacted*, That all that part of the territory of the township of Woodbridge, in the county of Middlesex, lying northerly and easterly of the above courses, shall be set off from the county of Middlesex, and annexed to and form a part of the city of Rahway, in the county of Union; and the inhabitants thereof shall be subject to all the laws which the inhabitants of the said city of Rahway now are or hereafter may be subject to, and shall be entitled to all the benefits and privileges which the inhabitants of the said city of Rahway now are or hereafter may be entitled to.

Part annexed to city of Rahway.

3. *And be it enacted*, That all that part of the territory hereby annexed to the city of Rahway, lying northerly of the centre line of the New Jersey Railroad, shall constitute a part of the Third Ward of said city of Rahway: and the residue of the territory hereby annexed to said city shall constitute a part of the Fourth Ward of said city.

Part of third and fourth wards.

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

Approved, April 4, 1867.

CHAPTER CCCXIV.

An act to incorporate the Hunterdon and Somerset Railroad Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly, of the State of New Jersey*, That Peter W. Young, John C. Dunham, Cornelius Van Liew, William F. Holcombe, Simpson S. Sked, Mahlon Schenck, Jacob S. Manners, Elisha P. Wood, Nathan Stout, Israel H. Hill, Edward Sutphin, John R. Staats, John W. Priestly, Andrew M. Baird, Charles Wilson, 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, of "The Hunterdon and Somerset 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 five hundred thousand dollars, with the liberty to increase the same to one million of 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 sub-
scriptions
to capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said 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 four 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 two 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 elections 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

Election of
directors.

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 the said directors shall be fixed by the persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of such 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 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 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.

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. Not to be dissolved by failure to elect.

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, and in case of the non-payment of such instalments or any one of them, to forfeit the share or shares upon which such default shall arise; *provided*, that no such instalment shall exceed five dollars per share, and that no two instalments shall be required within twenty days of each other. Instalments

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 in the county of Hunterdon, at or near the village of May lay out and construct railroad.

Ringoes, and to connect with the Flemington Railroad, to some point in the county of Somerset, at or near the village of Millstone, to connect with [the] Millstone and New Brunswick railroad; *provided, always*, that the 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 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 provided, also*, that no other connections shall be made with other railroads than those specified in this section.

Survey of route to be made and deposited in office of secretary of state.

Proviso.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the route 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 necessary works to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided, always*, that the payment or tender of payment of all damages for the occupancy of the 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 road; unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when 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 lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular de-

scription 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 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 and publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, residents in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and 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 lands, and to make a just and equitable estimate or appraisal of the value of the same and assessment of damages, which shall be paid by the company for such land and damages aforesaid; and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road through any improved land over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record thereon, which report, or a copy thereof, certified by the clerk of said court, 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 said justice, 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 of the county wherein the said land or materials may lie.

Proviso

Proceed-
ings in case
of appeal

9. *And be it enacted,* That every appeal from the decision of commissioners appointed under the preceding section shall be in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the lands or materials appraised by the said commissioners shall lie, 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 said 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 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, their judgment thereon, with costs, shall be entered against said company and execution awarded therefor; if said jury shall be applied for by the owner or owners, and shall find a less sum than said company shall have offered or the said commissioners 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 the said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise 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 said commissioners as the value of such lands and damages, in case the report of the commissioners is not appealed from, and if 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 or found by the jury, in case of an 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 so assessed or found as aforesaid into the circuit court of the county where the said lands lie, shall be deemed a legal and valid 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.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair, good and sufficient bridges, or passages over or under the said railroad, where any public, or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle, or the said road shall not be materially impeded thereby, and also where the said road shall intersect any farm, or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroads. Bridges to be erected and kept in repair.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons, or any species of property whatsoever thereon, as they from time to time shall think reasonable or proper; *provided*, that they shall not charge more than the rate of four cents per mile Rates of fare. Proviso.

for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than eight cents per ton per mile, for the transportation of every species of property on said road, in the carriages of said company.

May hold
real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, not exceeding ten 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 creeks, or streams as the said railroad may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Dividends

13. *And be it enacted*, That the president and directors of 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, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively.

Contracts.

14. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter, to make such 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
obstructing
railroad or
injury to
works.

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

May run
cars, &c.

16. *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.

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

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money [not exceeding two-thirds of the amount of capital stock paid up] 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, to secure the payment thereof by bond or mortgage, or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money.

19. *And be it enacted*, That if the said railroad shall not be

Act, how
made void.

commenced within three years and completed within ten years from the fourth of July next ensuing, that then and in that case this act shall be void.

Who may
ride free

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney-general and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company in their cars free of charge.

21. *And be it enacted*, That this act shall be deemed and taken as a public act and shall at all times be recognized as such in all courts and places whatsoever, and shall take effect immediately.

Approved, April 4, 1867.

CHAPTER CCCXV.

An act to incorporate the Pompton and Paterson Turnpike Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James Ludlum, W. Washington Colfax, Thomas D. Hoxsey, Benjamin M. McGee, Peter Drew, Uriah J. Van Riper, David Crawford, and the survivors of them, and all such persons as may hereafter be associated with them, or their survivors, successors and assigns, shall be and they are hereby created a body politic and corporate in fact and in name, by the name of "The Pompton and Paterson Turnpike Company," for the purpose of constructing and managing a turnpike road, commencing at the south side of the Ramapo river, at the village of Pompton, and township of Wayne, in the county of Passaic, running through said township of Wayne, and through the township of Manchester, to a point within the limits of the city of Paterson, at the intersection of Hamburg avenue, and the road that leads to the village of Haledon, in the township of Manchester, and county of Passaic aforesaid.

Election of
directors

2. *And be it enacted*, That the stock, property and concerns of said company, shall be managed and conducted by seven directors being stockholders, one of whom to be presi-

dent, who shall hold their office for one year, and that the said directors shall be chosen on the third Monday of March 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 a newspaper published in the city of Paterson, in the county of Passaic, by such 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 either 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 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 happens that any vacancy or vacancies may occur by death, resignation or otherwise among the directors, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint and until other directors are chosen from the stockholders, the first directors shall be James Ludlum, W. Washington Colfax, Thomas D. Hoxsey, Benjamin M. McGee, Peter Drew, Uriah J. Van Riper, and David Crawford, who shall hold their office until the third Monday of March, one thousand eight hundred and sixty-seven, and until others are legally chosen.

Names of
first direc-
tors.

3. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to the said directors to increase the same to twenty thousand dollars if they deem proper to do so, to be divided into shares of one hundred dollars each, which shall be deemed personal estate and transferable in such manner as said corporation shall by its by-laws direct.

Amount of
capital
stock.

4. *And be it enacted*, That the subscription of said stock shall be opened at such time or times and place or places as the directors shall designate under the direction of the board of directors or such of them as shall be designated by said directors for that purpose, and if more stock is subscribed for than the amount deemed by the directors proper for constructing said road, the said directors shall have power to

Books of
subscription
to cap-
ital stock.

distribute the shares deemed by them sufficient between those subscribing in such proportion as they shall deem proper.

Not to be dissolved by failure to elect.

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

Proceedings when company and owners cannot agree.

6. *And be it enacted*, That said corporation shall have authority to take private property for the purpose of constructing said turnpike in such place as they shall deem it necessary to build said turnpike, and that they shall pay the owners thereof for such private property, such prices as may be agreed upon, and in case said corporation, and the owners of any private property taken by said corporation for the construction of said turnpike cannot agree upon the price to be paid for the same, then said corporation shall have power to appoint six freeholders, residents of the township where such private property is situated, and said person or persons owning said private property shall have like power to appoint six freeholders residents of the township where such private property is situated at the proper cost and expense of said corporation, and said freeholders shall act as a jury, and a majority of said freeholders so chosen, shall find under their hands and seals what compensation shall be given by said corporation to the owner or owners of the private property taken for said turnpike, and said certificate shall be acknowledged before an officer authorized to take acknowledgments of deeds and shall be recorded in the office of the clerk of Passaic county, and said decision of said freeholders shall be final and binding on said corporation, and on said owner or owners of private property so taken for said turnpike as aforesaid; the compensation of said freeholders acting as such jury, shall be the same as is now allowed by law to the town committees of the township in which said private property is situated; and in case such owner or owners of private property shall neglect or refuse to appoint such six freeholders as aforesaid on receiving five days' notice in writing, signed by the president of said corporation, then said corporation shall apply to a justice of the peace residing in said township where said private property is situated, who shall on proof of the service of the notice

aforesaid on said owner or owners of private property, appoint six freeholders as aforesaid, who shall be authorized to act the same as if appointed by the owner or owners of said private property as aforesaid; and said corporation shall have authority to take and use the bed of the public road formerly known as the Paterson and Hamburg Turnpike, without compensation, as far as they deem the same necessary for the construction of said turnpike, and the township committee of the township of Wayne and Manchester are hereby authorized to take up so much of the said road formerly known as the Paterson and Hamburg Turnpike as is not used by said corporation, or so much thereof as they or either of them may deem necessary.

7. *And be it enacted*, That the township committees or a majority of them, of the townships of Wayne and Manchester, and the common council of the city of Paterson, may transfer any public highway in said townships or in said city of Paterson, or any part thereof, necessary or proper for the construction of said turnpike to said corporation, with or without compensation, and upon such terms as may be agreed upon between said corporation and said committees, and said common council of the city of Paterson.

8. *And be it enacted*, That said turnpike shall be four rods wide, and the bed thereof shall not be more than twenty feet or less than fifteen feet wide, as said directors may deem practicable, and said turnpike shall be constructed of good and substantial material, and shall always be kept in good order and repair, and if said corporation shall fail to keep said turnpike in good order and repair, they shall be liable to be indicted, tried and fined as now provided by law in the case of public county roads.

9. *And be it enacted*, That as soon as said turnpike shall be completed and a certificate thereof shall be received by said corporation from the chosen freeholders of the township of Wayne and Manchester, and of the north ward of the city of Paterson, which certificate shall be filed in the office of the clerk of Passaic county, then the said corporation shall be authorized to erect as many toll gates as they shall deem necessary, and establish the following rate of toll for a wagon, sled or other vehicle drawn by two horses, mules or oxen, at a rate not to exceed two cents per mile on said turnpike, for a wagon, sled or other vehicle drawn by more than two horses, mules or oxen not two exceed two and one-half cents per mile on said turnpike, for a wagon, sled or other vehicle

Township committees of Wayne and Manchester and city council of Paterson may transfer highways.

Width of turnpike.

Certificate of completion of turnpike to be made.

Rates of toll

drawn by one horse, mule or other animal not to exceed one cent per mile on said turnpike, for horse and rider not to exceed one-half cent per mile on said turnpike, for drivers of cattle, horses, mules sheep or hogs, not to exceed ten cents per score for through fare and in like proportion for a shorter distance on said turnpike; and said corporation shall not be allowed to charge any toll for any person, vehicle or animal going to or returning from any funeral or from any place of public worship on said turnpike.

Mile-stones
to be
erected.

10. *And be it enacted*, That said corporation shall cause to be measured by a competent surveyor said turnpike, commencing at the south side of the Ramapo river and terminating at the intersection of Hamburgh avenue and the roads that leads to the village of Haledon, and to cause stones or posts to be erected at the end of each mile with the distance plainly indicated thereon.

Exemption.

11. *And be it enacted*, That persons owning land through which said turnpike shall pass shall not be required to pay road tax or do road labor in the township where said property is situated, unless said land as aforesaid shall bind on another public highway, then said persons shall be required to do road labor or pay road tax pro rata, according to the assessed value of such land so binding on said public highway other than said turnpike.

General
powers
conferred.

12. *And be it enacted*, That this corporation shall possess the general powers and be subject to the provisions of "An act concerning corporations," approved the fourteenth day of February, anno domini eighteen hundred and forty-six, and the supplements thereto.

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

Approved April 4, 1867.

CHAPTER CCCXVI.

An act to incorporate Chosen Friends Encampment, Number Six, of the Independent Order of Odd Fellows of New Jersey, located at Bordentown.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That William Clinton, James Strat-

ton, Israel Frazer, J. Price Campbell, Joseph R. Blake, Andrew J. Kinch, Samuel C. Forker, Daniel Hull, George W. Thompson, Lafayette Swain, Thomas Edwards and Porter C. Johnson, and their associate officers and members of "Chosen Friends Encampment, Number Six, of the Independent Order of Odd Fellows, of the State of New Jersey," and their successors be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Chosen Friends Encampment, Number Six, of the Independent Order of Odd Fellows, of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditament and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic capable of making the same; and also to have a common seal and use the same at pleasure; *provided, always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Names of
corporatorsCorporate
name.

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

Approved April 4, 1867.

CHAPTER CCXXVII.

A supplement to the act entitled "An act to facilitate judicial proceedings in the county of Essex," approved March fifteenth, one thousand, eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the additional judge of the court of common pleas and general quarter sessions of the peace in and for the county of Essex, provided for by the act to which this act is a supplement, shall receive from and after the passage of this act a salary of twenty-five hundred dollars per annum, but shall receive no share of the fees or compensation now divisible among the judges of said court.

Compensa-
tion.

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

Approved April 4, 1867.

CHAPTER CCCXVIII.

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

State tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and levied and collected on the inhabitants of this state and on their taxable real and personal property, and upon [the other objects liable to taxation, a state tax of three hundred and fifty thousand dollars, which is hereby appropriated and shall be applied as follows: three hundred thousand dollars or so much thereof as may be needful for the payment of such interest as shall have accrued on the first day of January next, and on the first day of July next thereafter, on loan authorized by an act entitled "An act authorizing a loan for the purposes of war, to repel invasion, and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and and sixty-one, and the several supplements thereto, and the residue thereof, above what may be necessary to pay the said interest, shall be applied and added to the sinking fund provided for by the fifth section of said act, towards the payment of the principal of said loan; and fifty thousand dollars of the said tax shall be applied, or so much thereof as may be needful to the payment of any other indebtedness of the state, and the residue thereof to any other uses of the state; which said state tax shall be, and the same is hereby apportioned to and among the several counties of this state, as follows—that is to say:

Atlantic.

To the county of Atlantic the sum of three thousand two hundred and ninety-six dollars and sixty-five cents;

Bergen.

To the county of Bergen, the sum of fourteen thousand five hundred and twenty-seven dollars and forty-three cents;

Burlington.

To the county of Burlington, the sum of nineteen thousand and nine hundred and ninety-nine dollars;

Camden

To the county of Camden, the sum of twelve thousand three hundred and sixty-nine dollars and fourteen cents;

Cape May.

To the county of Cape May, the sum of two thousand and sixty-eight dollars;

To the county of Cumberland, the sum of eight thousand and thirty dollars and two cents; Cumberland.

To the county of Essex, the sum of fifty-three thousand and nine hundred and fifty-one dollars and fifty-eight cents; Essex.

To the county of Gloucester, the sum of nine thousand two hundred and fourteen dollars and thirty-four cents; Gloucester.

To the county of Hudson, the sum of forty-nine thousand three hundred and fifty-one dollars and nineteen cents; Hudson.

To the county of Hunterdon, the sum of nineteen thousand nine hundred and twenty-four dollars and forty cents; Hunterdon.

To the county of Mercer, the sum of twenty thousand six hundred and one dollars and twenty-six cents; Mercer.

To the county of Middlesex, the sum of fifteen thousand eight hundred and fifty-four dollars and ninety-two cents; Middlesex.

To the county of Monmouth, the sum of twenty thousand three hundred and ninety-six dollars and thirty-six cents; Monmouth.

To the county of Morris, the sum of sixteen thousand eight hundred and fifty-five dollars and fifty cents; Morris.

To the county of Ocean, the sum of three thousand two hundred and ninety-six dollars and seventy-six cents; Ocean.

To the county of Passaic, the sum of twelve thousand six hundred and sixty-two dollars and ten cents; Passaic.

To the county of Salem, the sum of twelve thousand seven hundred and seven dollars and seventy-four cents; Salem.

To the county of Sussex, the sum of eleven thousand two hundred and eighty-one dollars and forty-four cents; Sussex.

To the county of Somerset, the sum of thirteen thousand and sixty-six dollars and forty-six cents; Somerset.

To the county of Union, the sum of fourteen thousand and sixteen dollars and fifty-seven cents; Union.

To the county of Warren, the sum of sixteen thousand and five hundred and twenty-nine dollars and fourteen cents; Warren.

which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the above recited act entitled "An act concerning taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act is otherwise ordered and directed.

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

Approved, April 4, 1867.

CHAPTER CXCIX.

An act to incorporate the Continental Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles G. Boud, George S. Boud, Ephraim P. Empson, Reuben Potter, John Aumack, John H. Gulick, Amos P. Stanton, Cornelius Cowdrick, Charles Butcher, Samuel T. Williams, Edward Ivins, George Gravatt, and George Giberson, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name of the Continental Hotel Company, and by that name shall have power to lease, purchase and hold real estate at or near Toms River, in the township of Dover, county of Ocean, and state of New Jersey, and to erect and maintain a hotel and other buildings and improvements thereon, or upon any part thereof for the accommodation of the public; and to mortgage said real estate with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the erecting, managing, furnishing, conducting, holding or mortgaging of said premises, or otherwise controlling or disposing of the same.

May have
steam and
sailing
vessels.

2. *And be it enacted*, That the said hotel company shall also have power to charter, buy or build steam and sailing vessels to run in connection with said hotel for the accommodation of the public, and to transact all such business as may be incident or appertaining to the erecting, managing, furnishing, conducting and otherwise controlling and disposing of the same.

Capital
stock.

3. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of one hundred thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars, which capital stock shall be divided into shares of one

hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given either in person or by proxy.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times as a majority of them may appoint, giving previous notice thereof in a newspaper published in Ocean county for two weeks, at least once in each week; and as soon as twenty thousand dollars of the said capital stock is subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, by giving each stockholder a written or printed notice at least five days previous to said meeting; and the remainder of the stock shall be disposed of under the direction of the directors of said corporation or a majority of them.

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

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

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

Approved, April 4, 1867.

CHAPTER CCCXX.

An act to incorporate the Ridgefield Park Railroad Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward K. Alburtis, Isaac Dayton, William S. Banta, John J. Anderson and John H. T. Banta, and such other persons as may hereafter be associated with them, be and they are hereby constituted a body politic and corporate by the name of "The Ridgefield Park Railroad Company," and shall be capable of acquiring, holding and conveying any lands or tenements, goods, chattels and property necessary or expedient for the object of this corporation.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with the privilege to said company to increase the same from time to time as they shall deem necessary, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable in such manner as said corporation by their by-laws shall direct.

Commis-
sioners to
receive sub-
scriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the said capital stock, at such times and places and upon such notice as they or a majority of them think proper; and that when twenty-five thousand dollars of said stock shall be subscribed for, the said company may hold an election for seven directors, who shall hold their office for one year, and until others are elected in their stead; and the directors shall choose a president, secretary and treasurer, who shall exercise such powers and perform such duties as the by-laws of the company shall provide.

Instalments

4. *And be it enacted*, That a majority of the said directors shall have power to transact all business of the said corporation, and to call payments upon subscriptions to stock in such instalments and at such times as they shall deem expedient; *provided*, that not more than twenty-five per centum of the amount subscribed shall be called at one time, and not more than one call shall be made within the period of thirty days; and in case of the non-payment of any instalment for the period of thirty days after public notice de-

Proviso.

manding the same shall have been given, the company shall have power to forfeit such share or shares upon which such default shall arise to the company.

5. *And be it enacted*, That the said company shall have power to survey, lay out and construct, equip, maintain and operate a railroad from Ridgefield Park, in the county of Bergen; to the northern railroad, or to any other railroad in the counties of Bergen or Hudson, now built or hereafter to be built, with all necessary powers to contract with them for passing over and upon such railroad, and that the same rights, powers, privileges and franchises granted to the Hackensack and New York railroad company by their act of incorporation, approved March fourteenth, eighteen hundred and fifty-six, in respect to the locating, laying out, constructing, maintaining and operating their road, be and they are hereby conferred upon the said the Ridgefield Park Railroad Company, in the location, construction, running and operating said road hereby authorized, and that all necessary lands for the railroad hereby authorized may be taken in the same manner and under the same mode of compensation provided for in the act of incorporation above mentioned, and that their principal office shall be located in the county of Bergen.

Construction of road

6. *And be it enacted*, That the said company shall have power to build a suitable bridge for the purpose of said railroad over the English creek, where the said road shall cross the same; *provided*, that a suitable draw shall be constructed therein with an opening not less than thirty feet in width.

Bridge to be built.

Proviso.

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

Approved, April 4, 1867.

CHAPTER CCCXXI.

An act to incorporate the Cumberland and Atlantic Railroad Company.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Lewis Mulford, Charles K. Landis, Richard D. Wood, William H. O. Gwineth, George B. Coop-
Names of incorporators

er, George W. Thomas, Russell D. Green, William Moore, Joseph B. Walker, Simon Hanthorn, Furman S. Mulford and Samuel R. Colwell, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, by the name of "The Cumberland and Atlantic Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this incorporation.

Amount of
capital
stock.

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

Commiss-
ioners to
receive sub-
scriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, and as soon as fifty thousand dollars of the capital stock shall be subscribed such commissioners or a majority of them, shall give notice for a meeting of the stockholders to choose thirteen directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Vacancies
how sup-
plied.

4. *And be it enacted*, That the directors chosen at such meeting and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise until the next succeeding annual election.

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks in one of the newspapers published in the counties of Cumberland and Atlantic and such elections shall be made as is hereinbefore directed, and in case it shall happen that an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; seven directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such instalments and at such times as they may direct; *provided*, that such payments shall not exceed ten dollars on each share per month, and in case of the non-payment of the said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said directors shall appear proper.

Corporation
not to be
dissolved
by failure
to elect

Proviso.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the powers necessary and expedient to survey, lay out and construct a railroad with one or more tracks, from some point at or near May's Landing, in the county of Atlantic, to a point on the Millville and Glassboro railroad at or near the city of Millville, or in the township of Landis in the county of Cumberland; *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,

May con-
struct rail-
road.

Proviso.

with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property, and when the route of said railroad shall have been determined upon, and a survey of the same be 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 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 lands be first had and obtained.

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 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 and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report or a copy thereof certified by the clerk of said county shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with 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 justices of the supreme court,

commissioners, clerks and other persons, performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *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 material may lie.

Proceed-
ings in case
of appeal

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing and in the form of a 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 a circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs, shall be entered against the said company and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the 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 land 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

Provide.

by the commissioners as the value of such land or damages, in case the report of 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 or found by the jury, in case of appeal, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then 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.

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 and passages over and under the said railroad where any public or other road now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the road shall intersect any farm or lands of any individual to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

Bridges to
be erected
and kept in
repair.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railroad; *provided*, that they shall not charge more than five cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property, and the said railroad with its appendages and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of their charter.

Rates of
fare.

Proviso.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as

Dividends.

they may deem prudent and proper from time to time, out of the net profits of the said railroad.

May hold
real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient.

Penalty for
obstructing
railroad or
injury to
works.

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

Statement
of cost and
expenses to
be made.

14. *And be it enacted*, That as soon as the said railroad or any part thereof, is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January in each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost of equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its

real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes and by the same person or persons, as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or taxes shall be levied or assessed upon said corporation.

15. *And be it enacted*, That the said Cumberland and Atlantic Railroad Company shall have power to borrow such sum or sums of money, not to exceed two-thirds of the paid up capital stock, from time to time, as shall be necessary to build, construct or repair their road, and furnish all necessary engines and other equipments 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 said road, lands, privileges, franchises and appurtenances of and belonging to the said company; *and provided, further*, that said bonds shall constitute a first Proviso. May borrow money. lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad.

16. *And be it enacted*, That if the said railroad shall not be commenced within five 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. Limitation.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, while traveling for the purposes of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state shall pass and repass on the railroad of said company in their cars free of charge. Who may ride free.

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

Approved, April 4, 1867.

CHAPTER CCCXXII.

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

Time for completing railroad extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the completion and use of the railroad by the act to which this is further supplement authorized, be, and the same is hereby extended to one year from and after the date of the passage of this act.

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

Approved April 4, 1867.

CHAPTER CCCXXIII.

A further supplement to the act entitled "An act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

Preamble WHEREAS, by an act of the legislature of the state of New Jersey passed November sixteenth, seventeen hundred and ninety-nine, entitled "An act to incorporate John Dought and his associates, proprietors of the Morris Aqueduct, certain persons therein named were created a body corporate, by the name and style of "The Proprietors of the Morris Aqueduct," for the purpose of supplying the inhabitants of Morristown with water, by virtue of which act and the several supplements thereto, the said corporation have purchased lands and erected works for the purpose aforesaid, but by reason of the insufficient source of supply or some other cause, the said corporation has failed to furnish a sufficient supply of water; *and whereas* the incorporation of Morristown under the act to which this is a supplement, and the inadequacy of the supply of water now furnished have rendered it expedient that the

duty of supplying the town of Morristown with pure and wholesome water shall be assumed and discharged by the corporate authorities of Morristown; now therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That "The mayor, recorder, aldermen and common councilmen of Morristown" be and they are hereby authorized in the manner hereinafter provided; to take all necessary measures to procure and convey into and through said town and furnish to the inhabitants of said town, a sufficient supply of pure and wholesome water for domestic and other purposes. Corporation authorized to furnish water.

2. *And be it enacted*, That all authority granted or given by this act shall be exercised exclusively by and through a board of commissioners to be appointed as hereinafter directed, who shall be known and designated as "The Morristown Water Commissioners," and shall have the powers and perform the duties hereinbefore mentioned. Water commissioners.

3. *And be it enacted*, That William C. Baker, George Vail, Henry W. Miller, Theodore F. Randolph and the mayor of said town ex-officio, shall constitute the first board of commissioners; the said commissioners shall elect annually one of their number to be president of the board, and shall determine by lot the terms during which the four of their number, other than the mayor of said town, shall hold their offices, and these shall be as follows: one shall remain in office one year, one two years, one three years, and one four years, all to be computed from the second Monday in May next, and the mayor of said town for the time being shall ex-officio always be one of said board. Names of first commissioners.

4. *And be it enacted*, That at the charter election to be held in the said town in the year eighteen hundred and sixty-eight and every year thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election, and any vacancies that shall occur in said commission by death, resignation or otherwise, shall be filled by the common council of Morristown, but the person or persons so appointed to fill such vacancy shall hold his or their office, only for the residue of the term for which they may be appointed; each of said commissioners, except the mayor, who shall be elected or appointed under this act, shall before entering upon the duties of his office take and subscribe before the clerk of said town, who is hereby authorized to administer the same, an oath or affirmation, faithfully and impartially, to discharge all the duties im-

Election of first commissioners.

Duty of
commissioners.

posed on them by this act, which oath or affirmation be filed in the office of the clerk of said town; no commissioner elected or appointed under this act shall be interested or concerned directly or indirectly in any contract or agreement for furnishing labor or materials in the erection, construction or repair of any works authorized by this which said commissioners may make or cause to be made.

5. *And be it enacted*, That it shall be the duty of the commissioners herein appointed, as soon as practicable the passage of this act, to examine and consider all matters relative to supplying Morristown with pure water in sufficient quantity for its present and prospective wants, an amount of money necessary to effect that object; that for this purpose they shall have authority to employ one or more engineers or surveyors and such other persons as in their opinion may be necessary, and may enter upon any land or water for the purpose of making surveys and examinations, for the same as well the lands, water and property of the proprietors of the Morris aqueduct as those of individual citizens; and that as soon as practicable they make a full report of their proceedings, and whether the same sources of supply of water if properly developed would be sufficient to supply Morristown with water, with a recommendation of such plans as they may approve, together with full and detailed estimates of the amount of money necessary to carry said plan into full and complete operation to the common council of said town, under the hand or the hands of a majority of them; and the said common council shall place the same on file, subject to the inspection of any person interested therein, and shall also thereupon immediately cause the said report and estimates to be published in both newspapers printed and published in Morristown for a space of not less than two weeks.

Special
election
may be
ordered.

6. *And be it enacted*, That the said common council at their first or some subsequent meeting held after the reception of the report of said commissioners, may if they deem it advisable order a special election to be held in said town on a day to be designated by them, not more than four weeks from the time of receiving said report, at such place in said town as said common council may appoint, for the purpose of ascertaining the sense of the people in relation to said plan for supplying said town with water; the election shall be conducted and held under the same rules

regulations in all respects, except as is herein otherwise ded, and the result shall be determined in the same manner as is provided by law for holding the annual charter on in the said town, the tickets to be voted at said on shall contain the words "For Water Works" or the "Against Water Works," and within ten days after ng said election the common council shall, in writing, signed by the town clerk, notify the said water com- oners of the result of said election; if it shall appear a majority of the votes cast at such election are in of the water works then this act shall take effect im- ately, but if otherwise no further proceeding shall be under it.

And be it enacted, That if the majority of the votes cast d election shall be "For water works," the said "The stown Water Commissioners," shall be, and they are y, authorized, immediately after being notified thereof ^{Proceed- ings if majority vote for water works} reinbefore provided, to enter upon the prosecution of works, and for the purpose of paying for such lands, rights and other property as shall be [taken or pur- d for the purposes of this act, and for constructing all orks necessary to the full accomplishment thereof, and penses incident to said work, including the expenses preliminary examination and report of said commis- s, the said board shall have authority to issue, in the of "The mayor, recorder, aldermen and common coun- a of Morristown," bonds to be denominated on their Morristown water bonds," to an amount not exceeding undred thousand dollars, with coupons attached, bear- even per centum interest per annum, payable semi-an- 7 and redeemable at any time after twenty years, and ceeding fifty years from their date, in the discretion said board; and the said board may sell the same at or at private sale at such times as the proceeds there- y be required for said work, or may pledge the same oney borrowed at a rate not exceeding seven per cent- er annum, if in their opinion the necessity of the require such proceeding; *provided*, said bonds shall ^{Provide} sold or disposed of at less than their par value; all issued as aforesaid shall be signed by the members of oard, or a majority of them, and countersigned by the of said town, and a record of all bonds so issued and ed of shall be kept by said board, and a statement of ads issued in any year shall be furnished by said board

Provided.

to the common council of said town, and the interest on all bonds issued by virtue of this act shall be paid semi-annually by the treasurer of said town; *provided*, the work authorized by this act shall not be commenced by said commissioners until at least one-fourth part of the money required therefor shall be first had or secured.

Bonds to be exempt from taxation.

8. *And be it enacted*, That the bonds issued under and by virtue of the provisions of this act, shall not be liable to any tax which may hereafter be levied by order of the common council of said town, and the said commissioners may dispose of bonds to pay the interest which may accrue on the cost of said work for one year after the same is commenced, and thereafter the payment of all interests which may accrue on the bonds issued, beyond the net amount realized for rents received for the use of the water, shall be provided for by the mayor, recorder, aldermen and common councilmen of Morristown, who are hereby authorized and required to raise and assess by tax, to be denominated water tax, such amount as may be necessary for that purpose, above and beyond the other taxes authorized by law.

Quorum.

9. *And be it enacted*, That a majority of said board shall constitute a quorum for the transaction of business, and all contracts, engagements, acts and doings of the said board, within the scope of their duty and power as herein provided shall be obligatory upon and be in law considered as done by the mayor, recorder, aldermen and common councilmen of Morristown, and all real and personal estate within said town, shall be liable for the payment of the principal and interest that may become due on the bonds, to be issued by virtue of this act.

May purchase rights and franchises, &c.

10. *And be it enacted*, That for the purpose of accomplishing the intention contemplated by this act, the said commissioners be, and they are hereby authorized, if they deem the same necessary or expedient, and if they can make a satisfactory agreement with "The Proprietors of the Morris Aqueduct" to purchase the capital stock, real and personal estate, rights, franchises and privileges of the said "The Proprietors of the Morris Aqueduct," and pay for the same in the bonds hereinbefore authorized to be issued, or in money realized from the sale of said bonds, and in case of such agreement, the said "The Board of Proprietors of the Morris Aqueduct," are hereby authorized and empowered to transfer and convey unto the mayor, recorder, aldermen and common councilmen of Morristown, all the rights, privileges,

anchises, bonds, property, real and personal of every kind and description to said proprietors belonging or in them vested, or to which they are entitled, and all their capital stock and said transfer and conveyance when made, shall be effectual for the conveyance to said mayor, recorder, aldermen, and common councilmen of Morristown, as well of said capital stock as of said rights, franchises, lands and property, and the rights and privileges granted by the act incorporating the said "The Proprietors of the Morris Aqueduct," and the supplements thereto so far as the same are applicable to the purposes of this act shall and may be hereafter exercised by said commissioners.

11. *And be it enacted*, That the said commissioners are hereby authorized to take possession of and convert to the uses aforesaid, any spring or springs, stream or streams of water within ten miles of Morristown, which they may deem necessary to enable them to carry into effect the design of this act, also to take and hold any and all lands and real estate or property necessary in their opinion for the construction of any canals, aqueduct, reservoirs, or other works for conveying or containing water, or for the erection of any buildings or machinery necessary for the said work, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act.

12. *And be it enacted*, That in case said commissioners may deem it necessary or expedient for the accomplishment of the purposes of this act to control the springs or sources of water now in the possession and under the control of "The Proprietors of the Morris Aqueduct," and the property now owned by said company, and cannot agree with the said proprietors for the purchase of the same for such price as they may think the same to be worth, or in case of any disagreement between the said commissioners, and the owner or owners of any lands or water rights which may be required for the same purposes, or which may be affected by any operation connected therewith as to the amount of compensation to be paid to such owner or owners, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from this state, any justice of the supreme court of this state, upon the application of either party in writing, and on ten days notice given to the opposite party, on such notice as the said justice shall direct to be given, such opposite party is required to appoint three disinterested persons to examine such property and estimate the

May construct reservoirs, &c.

Proceedings in case commissioners and owners cannot agree.

value thereof, or the damages sustained, who having first taken an oath or affirmation, faithfully and impartially to discharge the trust hereby reposed in them shall, upon five days notice to the respective parties of the time and place of hearing, or in case of the absence of said owner or owners, or in case said owner is an infant or feme covert or insane, proceed on such notice as the said judge shall direct, to view said premises and to hear the said parties and their witnesses, if any are offered under oath or affirmation, which oath and affirmation said commissioners are hereby authorized to administer, and shall under their hands or the hands of a majority of them, make their award in writing, and deliver the same to the respective parties, and the same shall be filed by the said water commissioners in the office of the clerk of said county of Morris, within ten days after they shall have received it; and on payment or tender of payment of the amount so awarded for said land or water rights, or in case of an appeal as hereinafter provided, if the amount so awarded by the appraisers shall be paid by the commissioners into the circuit court of said county of Morris; the title to the said lands or water rights shall be vested in the said mayor and common council, and on payment of the amount awarded for damages, where damages only are awarded, the said commissioners and the said mayor and common council shall be released and discharged from all further and other claims by said person for damages; *provided*, that if either of said parties is dissatisfied with the said award of the appraisers, such party may appeal to the circuit court of said county of Morris, at the next term of said court after the making of said award, of which appeal said appellant shall give to the opposite party at least ten days' notice, if so long a time shall intervene between the filing of the award and the setting of said court, in case of such appeal, the same shall be heard at the first term or any succeeding term, as the said court shall direct, upon like notice, and in the same manner as other issues in said court are tried, except that the same shall be tried by the court, unless either party at the term to which said appeal is taken, shall demand a trial by jury, in which case the court may, if desired by either party and on sufficient cause shown, direct a jury to be struck for trying said appeal, and a view of the premises to be had by such jury, and it shall be the duty of the jury or the court on the trial of such appeal, to assess the value of the land or other property taken by said com-

Proviso.

missioners, or the damages sustained, or both, as the case may require, and if they find a greater sum than the said appraisers have awarded in favor of the owner or claimant, then judgment therefor, with costs to be taxed, shall be entered against said commissioners, but in case the appeal shall be taken by the owner of the land or the claimant for damages, and the said court or jury shall award a less sum than was awarded by the appraisers, the costs of such appeal shall be paid by the appellant, and the amount thereof shall be credited as a payment on the judgment, or judgment may be entered therefor as said court shall direct; *provided, also*, that such appeal shall not in any way prevent the said water commissioners from taking possession of the land, or laying the pipes through the same, or from taking possession of any property the value of which may be in controversy in said appeal; *and provided, also*, that no part of the property of the proprietors of the Morris Aqueduct Company shall be taken by appraisement as herein provided, unless they take the whole of said property.

13. *And be it enacted*, That in all cases where the title or interest of any person or persons in lands or water rights, which may be required or taken for the purposes of this act, is doubtful or disputed, or is incumbered by any judgment, mortgage or other lien, the amount awarded by the appraisers as hereinafter provided, or by the court or jury in appeal, shall and may be paid by said water commissioners, into the circuit court of said county of Morris, and such payment shall have the same effect as if made to the real owner; and the said court may proceed in a summary way upon the petition of any person claiming to be the owner of said lands, or to have any lien thereon, to ascertain to whom said money ought to be paid, and the same shall be paid in accordance with the judgment or determination of said court, and so much of said property as may be taken by said commissioners shall thereupon be paid and discharged from such lien or incumbrance, and the legal title shall be vested in said mayor and common council of Morristown for the purposes of this act.

14. *And be it enacted*, That it shall be lawful for the said water commissioners, by themselves or by persons in their employ, in order to carry into effect the purposes of this act, to lay all pipes under the streets or through private property which may be necessary in their opinion to conduct or distribute the water from the reservoir or reservoirs into and

through said town, or such parts thereof, as they may deem it expedient, doing as little damage as possible, and paying to the owner or owners of private property all actual damages sustained by them, to be ascertained as hereinbefore provided, and it shall also be lawful for said commissioners at all times, when necessary to enter said private property to alter, repair or relay said pipes, paying, however, all actual damages which may be thereby caused to the owner of such property.

Books of
account to
be kept.

15. *And be it enacted*, That the commissioners shall keep regular books of account, and books for recording all their official proceedings, which shall be open to the examination of any person or persons who may be appointed by the mayor and common council for such purpose, the said commissioners shall also on the first Monday of May, in each and every year, make a report to the mayor and common council of the condition of the work under their charge, accompanied with a statement of their receipts and expenditures on account of the same.

Public
hydrants

16. *And be it enacted*, That the board of water commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time, shall fix the price for the use thereof, and the time of payment; they may erect such number of public hydrants, and in such places as they shall think fit; and direct in what manner and for what purposes the same shall be used, and may change the same, from time to time, at their discretion; *provided*, that all hydrants, conduits, or other appliance required and provided for the purpose of extinguishing fires shall be placed as the mayor and common council of Morristown shall direct, and shall be under their exclusive control.

Provide.

Water rents
to be a lien.

17. *And be it enacted*, That the owner and occupier of any house, tenement or lot, shall each be liable for the price or rent fixed by the water commissioners for the use of the water, by such occupier, and such price or rent so fixed shall be a lien on said house, tenement or lot, in the same manner as other taxes assessed on real estate in Morristown are liens, and shall be collected, if not paid in accordance with the rules of said commissioners, in the same manner as delinquent taxes are collected in said town.

Receipts
from
water rents
how applied

18. *And be it enacted*, That it shall be the duty of the said commissioners to fix the price or water rent which shall be assessed upon each house or other building, and on va-

cant lots situated on streets, lanes, alleys or courts that have been or may be actually opened, into or through which distributing pipes may be laid, and such prices or water rents shall be fixed with reference to ultimately paying from the proceeds thereof the interest and principal of the bonds which may be issued in pursuance of the previous sections of this act, and the net proceeds of the said water rents, after paying all expenses for maintaining the works and distributing the water, all salaries, wages and incidental charges shall be applied first to the payment of the interest upon said bonds, and next to the purchase of said bonds, in the discretion of the commissioners, or in case such purchase cannot be effected on reasonable terms, the said balance shall be safely invested by the commissioners in United States stock, or in bonds of this state, as a sinking fund to be applied to the redemption of said water bonds at their maturity.

19. *And be it enacted*, That the said water commissioners may prosecute any action at law or in equity by the name of "The Morristown Water Commissioners," against any person or persons for money due for the use of water, for the breach of any contract, express or implied, made with them touching the construction or management of said water works, or the distribution of the water, and also for any injury, trespass or nuisance done or caused to be done to the water courses, reservoirs, pipes, machinery or apparatus belonging to or connected with any part of said 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 has arisen, or after any suit has been commenced, shall not change the right of the commissioners as herein provided.

Vacancies
how supplied.

20. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, reservoir or reservoirs, conduit, 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 treble the amount of damages, which shall appear on the trial to have been sustained to be recovered in an action of trespass, and all such acts are also hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by

Penalty for
injury to
works.

fine not exceeding five hundred dollars, or by imprisonment not exceeding one year; or both, at the discretion of the court.

Works to be
exempt
from tax.

21. *And be it enacted*, That any lands or real estate taken, held or occupied for the purposes of said water works, shall be assessed and taxed at the value of said land exclusive of any pipes, buildings or machinery placed therein, and the whole of said works exclusive of said land shall be exempt from taxation.

Expenses
how paid.

22. *And be it enacted*, That the actual expenses which may be incurred by the provisions of the fifth and sixth sections of this act, in case the majority of the votes cast at the election hereinbefore provided for, shall be "against the water works," shall be paid by the "mayor, recorder, aldermen and common councilmen of Morristown," and for the payment of said expenses the said common council are hereby authorized and required to assess and raise by tax such amounts as may be necessary for that purpose, not exceeding the sum of one thousand dollars above and beyond the other taxes authorized by law, but no commissioner named herein or appointed or elected as herein provided, shall receive any compensation for his personal services.

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

Approved, April 4, 1867.

CHAPTER CCCXXIV.

An act to incorporate the Monmouth County Agricultural Railroad Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph D. Hoff, David M. Rue, Samuel Conover, Thomas V. Arrowsmith, Henry S. Little, T. V. Dubois, Richard S. Hartshorne, William Spader, Charles Haight, John McLelland, John W. Herbert, Christian D. Emson, Alfred Walling, Lafayette Conover, Joseph T. Laird, Amzi C. McLean, Hendrick S. Conover, Jacob Herbert, and Joseph H. Rossell, and such other persons as may be hereafter associated with them, shall be and they are hereby

ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Monmouth County Agricultural 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.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscription 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 four 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, who may be appointed by the majority of them to receive it, and as soon as one hundred and 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 elections 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 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 directors, such Commissioners to receive subscriptions. Election of directors.

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

Not to be dissolved by failure to elect.

4. *And be it enacted*, That in case it shall happen that the election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such elections 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.

Installments

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, 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; *provided*, that no such instalment shall exceed ten dollars per share, and that no two instalments shall be required within twenty days of each other.

Provide.

May lay out and construct railroad.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point in or near the village of Freehold, in the county of Monmouth, and thence through the said county of Monmouth by the way of the village of Mattawan, to some suitable point at the village of Keyport, in said county; *provided, always*, that the 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 said company may deem necessary.

May survey and enter upon lands and waters.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, their agents, engineers, superintendents, or others in their employ, to en-

ter at all times, upon all lands and waters for the purpose of exploring, surveying, leveling 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 has 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, and take possession of, hold, have, use occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries and all other works necessary to lay rails, and to do all other things suitable or necessary for the construction, completion and repair of the 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 land 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 on the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had and obtained. Proviso.

8. *And be it enacted,* That when the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the 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 company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any 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 of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, Proceedings when company and owners cannot agree.

residents of the said county of Monmouth, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages, which shall be paid by the company for such lands and damages aforesaid; and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road through any improved lands over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them and filed within ten days' thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of Monmouth county, to remain of record therein, which report, or a copy thereof, certified by the clerk of said court, 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 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 said justice, 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 lands or materials feel himself, herself, or themselves

aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court of Monmouth county aforesaid.

9. *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 said circuit court, 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 said 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 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 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 the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the said company have offered or the said commissioners awarded, then said costs to be paid by said applicants, and either deducted out of the said sum found by 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 the said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid to the party or parties entitled to receive the same the amount assessed by the said commissioners as the value of such land and 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 or found by the jury, in case of an appeal, shall refuse upon tender thereof being made to receive the same

Proceed-
ings in case
of appeal

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 Monmouth county aforesaid, shall be deemed a legal and valid payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Bridges to
be erected.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair, good and sufficient bridges, or passages over or under said railroad, where any public, or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses, cattle, on the said road shall not be materially impeded thereby, and also where the road shall intersect any farm, or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad.

Rates of
fare.

11. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons and property, and also suitable and safe boats at the terminating point of said road, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than eight cents per ton per mile, for the transportation of every species of property on said road, in the carriages of said company, nor shall more than one-half of the above rate be charged for carrying any fertilizing material.

Proviso

May hold
real estate

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate 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 creeks, or streams as the said railroad may cross, such piers, bridges, and other facilities as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively. Dividends.

14. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter, to make such contracts and engagements with any other corporations, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad, or any part of said railroad enjoyed under the provisions of this act, or of any of the necessary works, wharves, bridges, carriages, or machines of the said corporation, 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. Contracts.
Penalty for
obstructing
railroad or
injury to
works.

16. *And be it enacted*, That as soon as the said railroad or any part thereof is in operation, the president of the said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year; and such other taxes as may be assessed from time to time by a general law Statement
of cost and
expenses to
be made.

applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner for the same purposes and by the same person or persons as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

May borrow money.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money not to exceed two-thirds of the paid up capital stock 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, machinery, and other personal property for the uses and objects of the said company, and to secure the payment thereof by bond or mortgage, or otherwise on the road, lands, privileges, franchises and appurtenances of or belonging to said corporation.

Proceedings in case state elects to take railroad.

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 said road, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, the remaining three by the said 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 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 said three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company, or in case the said six commissioners appointed as aforesaid, and 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, and thereupon the state shall have the privilege for two years of taking said road upon paying to the company the amount of said appraisement within one

year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of the said road and the appendages thereof shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of the said road with the appendages thereof. Proviso.

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

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney-general and judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, shall pass and repass on the railroad of said company in their cars free of charge. Who may ride free.

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

Approved, April 5, 1867.

CHAPTER CCCXXV.

An act to incorporate the Trenton Skating Park Club.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That D. Cooper Allinson, J. Beatty Lalor, Isaac Weatherby and G. Allen Anderson, and such other person or persons as may hereafter be associated with them and their successors, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Trenton Skating Park Club," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto in all courts of law and equity in this state. Names of corporators.

2. *And be it enacted*, That the said society shall from time to time have power and authority to make, ordain and establish such by-laws and regulations as they or a majority of them shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said so- By-laws and regulations.

ciety, and the election of the same; for prescribing their several functions and their compensation; to adopt a corporate seal and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said society; in preserving good order and conduct over and among the visitors on the grounds of the said society; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Provide.
May hold real estate.
3. *And be it enacted*, That the said corporation hereby created shall have power and authority from time to time, and at all times, to acquire, purchase and use, hold, possess and enjoy such real estate, not exceeding in all fifty acres, and such personal estate as they shall deem necessary for the purposes of the said society; and the same or any part of such real or personal estate, to sell, mortgage, lease or otherwise dispose of at pleasure, and also with power and authority to make, build and construct upon the real estate so held by them such buildings, roads, ponds, water-courses, embankments, and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

Taxation.
4. *And be it enacted*, That all lands, tenements and real estate which may hereafter be held, owned or leased by said society shall be subject to taxation for all purposes as other lands in this state; *provided, however*, that the capital stock, scrip and shares of said society, and all personal estate and personal property of the said corporation hereby created, shall be exempt from and shall not be liable to have, any taxes levied or assessed against or upon the same whatever, so long as, and no longer than, the said society declares and pays no dividend on the capital stock, scrip and shares aforesaid.

Object.
5. *And be it enacted*, That the object of the said society is to establish in the city of Trenton a skating, base ball, croquet and pleasure ground society, on and upon which ground can be practiced base ball, skating, cricket, croquet, and all games of an athletic nature requiring skill and science.

Premiums and rewards.
6. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of said society, it shall be lawful for said society to hold upon their grounds, from time to time and as often as they shall deem proper, skating, base

ball, cricket and croquet matches or exhibitions of feats of strength, and all games requiring skill and science, and to give to the competitors at such games, matches and exhibitions, premiums and other rewards, and to ask, demand and receive for the said society's own use, such reasonable fees for admittance of competitors and visitors to the said grounds, and games, and exhibitions as the said society may deem proper.

7. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum upon the said society's grounds, and among the visitors and spectators to the same, it shall be lawful for the said society to appoint from time to time, one or more fit, proper or discreet person or persons, who shall take and subscribe before the sheriff of the county of Mercer, or one of the judges of the court of common pleas in and for said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of the county of Mercer, and shall be of like form and effect as now required by law for constables to take and subscribe, and which person or persons so appointed and sworn, shall possess the same powers and authority on the premises of the said society and on the premises adjacent thereto, which constables now possess in criminal cases, and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or who shall annoy the said society, or disturb or wrongfully interfere with the said games and exhibitions, and the said parties so arrested shall as soon as convenient, be taken before some justice of the peace of said county of Mercer, there to be dealt with according to law.

8. *And be it enacted*, That the capital stock of said society shall be ten thousand dollars, with the privilege of increasing the same to any sum not exceeding thirty thousand dollars, which shall be divided into shares of ten dollars each, and which capital stock shall be deemed personal property, and such shares shall be transferable, but only upon the books of the said corporation in such manner as the said society may prescribe.

9. *And be it enacted*, That this act shall take effect immediately, and the same to be repealed, altered or amended at the pleasure of the legislature.

Approved April 5, 1867.

CHAPTER CCCXXVI.

An act to incorporate the Morris County Iron Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anson G. P. Segur, Isaac B. Jolly, James H. Neighbour, Ephraim Lindsley, Alexander Elliott, John Hance, Elias M. White, George Richard and Richard George and their successors and assigns be and they are hereby created a body politic and corporate by the name of "The Morris County Iron Company," for the purpose of mining, melting, manufacturing, buying and selling ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in the counties of Morris and Sussex in this state, and carrying on the business incident thereto, and that they and their successors by that name shall be able and capable in law to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments within the counties of Morris and Sussex, and goods and chattels of whatever kind and quality necessary for the purpose aforesaid, and the same or either, or any part thereof to sell, grant, demise, alien and dispose of, and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to every corporation.

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, which shall be deemed personal property, and it shall be lawful for said company to issue certificates in whole or in part payments for any real or personal estate purchased or leased by said company for the purpose of their business aforesaid.

Board of
directors.

3. *And be it enacted*, That the property and affairs of their company shall be managed by a board of directors, of not less than five nor more than nine stockholders as the by-laws of said company shall prescribe, and the said board shall organize by appointing one of their number president, also by appointing a secretary and such other subordinate officers as they may deem necessary and proper.

Capital
stock may
be increas-
ed.

4. *And be it enacted*, That the amount of the capital stock may be increased from time to time by order of the board of directors, but shall at no time exceed the sum of five

hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall direct, and that the directors and the president shall hold their respective offices for one year and until others are legally appointed in their stead.

5. *And be it enacted*, That the election of directors shall be held at such place in the county of Morris, as the board of directors or their by-laws shall from time to time designate, that the first board of directors shall hold their office until the first day of January, eighteen hundred and sixty-eight or until others shall be chosen in their stead, and that A. G. P. Segur, I. B. Jolly, James H. Neighbour, E. Lindsley, Alexander Elliott, John Hance, Elias M. White, George Richard and Richard George shall be the first directors of said company, and that their principal office shall be in the county of Morris.

Names of
first direc-
tors.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the county of Morris, as a majority of them shall appoint, giving ten days' previous notice to that effect in one or more of the newspapers published in said county, and when one hundred shares of said capital stock shall have been subscribed for and ten dollars on each share shall have been paid to said commissioners, they shall call a meeting of the stockholders of said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president of said company all moneys, books and papers in their hands as such commissioners.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in instalments on stock subscribed for in such amounts, and at such times as they may direct, giving to each subscriber twenty days' notice thereof, either personally or by publication of such notice for ten days in some one or more newspaper published in the county of Morris, and also to forfeit to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

Instalments

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

Limitation.

Approved, April 5, 1867.

CHAPTER CCCXXVII.

An act to incorporate The Sussex County Savings Bank.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel J. Smith, George F. Rose, William M. Babbitt, William W. Iliff, Edward C. Moore, John Townsend, F. M. Ward, David R. Hull and Francis A. Stackhouse of the county of Sussex, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "The Sussex County Savings Bank," to be located in the county of Sussex.

2. *And be it enacted*, That the business of said corporation shall be conducted by twelve managers, five of whom shall constitute a quorum; and when the seat of any member of the board shall become vacant by death, resignation or otherwise, the other members of the board may fill such vacancy by the vote of two-thirds of their number; and the persons named in the first section of this act shall constitute the first board of managers of the corporation; and the said board shall hereafter meet annually upon the second Monday in April and choose from their number a president and vice president and appoint a secretary and treasurer and any subordinate officers or agents as may to them appear to be necessary for conducting the business of the corporation, which officers so chosen and appointed shall continue in office for one year and until others are chosen or appointed in their places, and shall be under oath for the faithful performance of the duties of their respective offices.

3. *And be it enacted*, That the board of managers have power from time to time to make, ordain and establish such by-laws and regulations as they shall judge proper for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

4. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor in such amounts, and at such times, and upon such terms, as the by-laws shall prescribe, which moneys shall

be invested in the manner hereinafter directed, and be repaid to the depositors or their legal representatives, at such times and with such interest, and under such regulations as the board of managers may from time to time order; and the said corporation may accept and execute all such trusts of every kind as may be committed to them by any person or persons whosoever, by will or otherwise, or be transferred to them by order of any court.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks than such as are created under the laws of the United States or the states of New Jersey, New York, Pennsylvania and Massachusetts, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested. Investment of deposits.

6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed to other depositors; *and provided, also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to ten dollars, nor upon the fractional part of ten dollars; nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit. Rate of interest. Proviso. Provision.

7. *And be it enacted*, That no president, vice president, or manager of the said corporation, as such, shall be entitled to or receive any emolument or compensation for his services, and that no officer or manager, shall directly or indirectly become the hirer or borrower, or surety for any hirer or borrower of the funds of the corporation; *and also*, that the corporation shall not take, nor hold the bond, mortgage, or other security, for the payment of money which may be drawn or endorsed by, or may exist against any officer or manager of the corporation. Services to be rendered without compensation.

8. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor, being Deposits by minors.

a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases when no guardian shall have been appointed in his or her behalf; and that the receipt or acquittance of such minor be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Proviso.

Deposits by females.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female, who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female, as though she were single, not subject to the control, nor liable for the debts of her husband, and to repay the same and the interest and dividends or any part thereof upon her check, order, receipt or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

May hold real estate.

10. *And be it enacted*, That the said corporation may purchase and hold in fee simple or otherwise, any real estate of which the clear annual income shall not exceed one thousand dollars in addition to such as may be conveyed to the said corporation for the securing or paying of loans, and the said corporation may sell, lease or otherwise dispose of the said real estate or any part thereof, at their will and pleasure.

Annual report to be made.

11. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds, to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of the said corporation.

Public act.

12. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended; and that the same shall take effect immediately.

Approved, April 5, 1867.

CHAPTER CCCXXVIII.

An act to incorporate the West Jersey Mutual Fire and Marine Insurance Company.

WHEREAS, John F. Starr, William P. Tatem, John S. Read, Richard R. Miller, Benjamin T. Archer, Isaiah Woolston, Edmund E. Read, Joseph C. De La Cour, Andrew B. Frazee, Henry Fredericks, Joseph J. Read, James H. Stevens, Charles Wilson and John Cain, have associated themselves together, for the purpose of making fire, marine and inland insurances, and transacting the business connected therewith, and have applied to the legislature for an act of incorporation for said purposes, Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the aforesaid persons, and those who may hereafter become associated with them, shall be known and styled the West Jersey Mutual Fire and Marine Insurance Company, and by the same name may have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to make and have a common seal and the same to break, alter and renew at pleasure; and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution or laws of the United States or of this commonwealth, and generally to do all and singular the matters which to them it shall lawfully appertain to do, as for the well being of the said corporation and the due management and ordering of the affairs thereof. Corporate name.

2. And be it enacted, That the capital stock of the West Jersey Mutual Fire and Marine Insurance Company shall consist of two thousand shares, of fifty dollars each, to be paid for in such instalments as the board of directors of said company may determine; which said capital may, at any time hereafter, be increased by them not exceeding six thousand shares of fifty dollars each; and if any subscriber, his or her assignee or transferee, shall refuse or neglect to pay the first or any subsequent instalment called for and demanded by the directors as aforesaid, such subscriber, his or her assignee or transferee, shall forfeit each and every share Amount of capital stock.

on which the payment shall not be duly made, on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the direction of the board.

Election of
directors.

3. *And be it enacted*, That the affairs of the company shall be managed by twelve directors to be chosen annually, as is hereafter directed, on the first Tuesday in May, between the hours of ten o'clock A. M. and seven o'clock P. M., from among the members of the corporation; the directors for the time being shall appoint a president, vice president and secretary of the company, and such other officers and agents as they may deem necessary for conducting and executing the business of said corporation; to take bonds in the name of the corporation, from all or any of them, with security conditioned for the faithful execution of their several duties and who shall perform the duties of their respective offices until they shall have been re-elected, removed from office, or their successors shall be chosen; the said directors shall allow the persons so appointed such compensation for their services respectively, as they shall deem reasonable; and generally to exercise all other powers and authority for the well governing and ordering of the affairs and funds of said corporation as this act confers or allows, or as hereafter may be conferred or allowed by the laws, regulations and ordinances of said corporation; in case of death or resignation of any director the vacancy occasioned thereby shall be filled by the remaining directors.

Who may
vote at
elections
for direc-
tors.

4. *And be it enacted*, That at all elections for directors, the vote shall be by ballot; each share of stock shall have one vote, and each insured member for any sum paid as premium of insurance to said company, three months previous to, and within the year preceding said election, amounting to twenty dollars, one vote; and for every additional twenty dollars paid as aforesaid, one vote; no stockholder or insurer shall vote by proxy, nor shall any stockholder be entitled to vote, unless the share or shares held by him or her, shall have been standing in his or her name on the books of the said corporation for three months previous to said election; *provided*, that every stockholder at the time of the first election of directors, shall have and enjoy the said privilege of voting as aforesaid, and the first election of directors shall be held on the first Tuesday in May, from and after the passage of this act, and the directors chosen at said election, shall hold their offices until the first annual election as here-

Proviso.

inbefore provided for, and until new directors shall be chosen; and that their principal office shall be in the city of Camden.

5. *And be it enacted*, That at the first meeting of the directors after the first annual election, the secretary shall take the names of the directors, and divide them by lot into three classes; the term of office of the first class shall expire at the second annual election thereafter; and the term of the third class shall expire at the third annual election thereafter; and at the second annual election thereafter, the stockholders and others qualified to vote for directors by this act, shall elect four directors to hold office for three years; and when a vacancy by death, resignation or otherwise occurs, such vacancy shall be filled at the next annual election of directors, for the unexpired term of such director or directors.

Vacancies
how sup-
plied.

6. *And be it enacted*, That the West Jersey Mutual Fire and Marine Insurance Company shall be empowered to take risks against fire on all kinds of merchandise, buildings and other property, either limited or perpetual; and further to effect marine and inland insurance on vessels, cargoes and freights, and on merchandise and other property transported on rivers, canals, lakes and railroads; and by steamboats, wagons or otherwise; and to execute such agreements, policies and other instruments, as shall or may be necessary to effect the same; and it may and shall be lawful for any and every person to insure marine, fire and inland transportation risks with said company, and to become members of the said corporation, and be entitled to a pro rata share of any profits which may be made by such insurances, to be declared and divided as hereinafter directed by the provisions of this act.

Insurance
risks.

7. *And be it enacted*, That it shall and may be lawful for the said company to employ and invest their capital stock and other moneys of said company, in bonds and mortgages or real estate, in respondentia, bottomry, ground rents, stocks or loans of the United States or the state of New Jersey, and in other good securities; and to sell and transfer the same, and to reinvest the proceeds of such sale or transfer in other such loans, stocks or securities; *provided*, that nothing in this act prevent said company from receiving, purchasing or holding real or personal property, stocks or other securities in payment of debts due them, or to secure the same in any manner that the interests of the said corpora-

Investment
of capital
stock

tion may require; or to purchase and hold such real estate as may be necessary to accommodate the said corporation in the transaction of the business thereof, and to mortgage, sell, assign and convey the same in fee simple or otherwise.

Not to exercise banking privileges.

8. *And be it enacted*, That this corporation shall not exercise any banking privileges, or issue any certificates or other paper, to be circulated as bank paper.

Surplus.

9. *And be it enacted*, That the directors shall on the first Tuesday in April of each and every year, cause a balance to be struck of the debts and credits of the company; and if there shall be a surplus after paying losses and expenses for the year preceding the same, they shall first set aside out of the said surplus, not exceeding seven per centum on the amount of the capital stock paid in, and the remainder of the said surplus shall be divided among the stockholders and insured members, in proportion as their respective amounts of stock held or premiums determined, may bear to the collective sum of stock and premiums aforesaid.

Payment of surplus to stockholders.

10. *And be it enacted*, That within sixty days after the yearly balance aforesaid of the said company shall be struck, the directors shall cause to be paid to the stockholders in cash, seven per centum on the capital stock paid in, if their surplus amounts to so much, and for the remainder they shall issue the company's certificate to such insured members and stockholders, agreeably to the provisions of the last section, stating amount of such surplus which shall be ascertained to be due them on striking said balance, such certificate shall be entitled to a dividend not exceeding seven per centum, to be paid out of the profits thereafter declared by the company.

Dividends

11. *And be it enacted*, That the profits of said company shall in no case be withdrawn, except as hereinafter provided, but shall remain liable to all losses and expenses thereof, such liabilities to be expressed in the face of said certificates, and the president and directors have, in case of loss, the power to declare a pro rata deduction of the amount of the outstanding certificates and issue new ones in their stead, less the pro rata deduction; and no dividend shall be declared, nor certificate issued, nor interest paid, either to stockholders or certificate holders, when the capital stock shall be impaired, nor shall any dividend be paid on certificates of surplus profits until the said dividend on the stock of the company be first provided for.

12. *And be it enacted*, That no certificate shall issue for Contingent fund. any sum less than ten dollars, nor for any fractional part of ten dollars, but all such fractional parts, or sum or sums less than ten dollars, shall be passed to the contingent fund of the company and applied to the expenses and other charges thereof; the said certificates shall not be transferable, except on the books of the company, and a transfer book shall be kept for that purpose; no certificate shall issue to any person who is indebted to said company; certificates shall be subject to and bound by any judgment the company may obtain against the holder thereof, and the interest of such holder may be sold under an execution issued on said judgment as any other species of personal chattel; no certificate shall issue unless claimed within two years after the declaration of the dividend whereof it is evidence, but the amount thereof shall, at the expiration of that time, be carried to the credit of the company.

13. *And be it enacted*, That every insured member or certificate holder, having paid the amount of his or their respective premiums, premium notes, subscription notes, or other debts due said company, shall be free from any liability or responsibility for or on account of any and all losses and expenses which said corporation may at any time sustain or incur. Who are exempt from liability.

14. *And be it enacted*, That the said company may from Premium notes. time to time receive notes or other securities, real or personal, as premiums from persons intending to effect insurance therewith, or from any other person or persons, under such regulations or agreements as shall be authorized by the directors, which said notes or other securities may be negotiated, transferred or conveyed by the said company, for the purposes of paying claims for losses accruing in the course of its business, and on such portions of said notes or securities as may exceed the amount of premiums paid, or agreed to be paid, by the parties from whom the same may have been received, the said company may allow and pay such interest or other compensation not exceeding seven per centum per annum, as may be agreed upon by the directors.

15. *And be it enacted*, That perpetual, or permanent, or limited insurances may be taken, without the parties thereto becoming members, or being entitled to any part of the profits of said company. Other than mutual insurance may be effected.

16. *And be it enacted*, That suits at law may be prosecuted Suits for losses.

and maintained by any member against said corporation for losses or damages insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses; and no member of the said corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Redemption of certificates.

17. *And be it enacted*, That when the net profits or surplus remaining in the possession of the company, shall exceed the sum of ten thousand dollars, the excess may be applied to the redemption of the certificates issued by the company, in such manner, and at such times as the directors thereof may deem proper and expedient; and all claim or right to any interest or dividend on said certificates shall cease after two weeks' notice, published in two of the newspapers of the city of Camden, and in one of the daily papers of the city of Philadelphia, that the company will redeem the same.

Approved April 5, 1867.

CHAPTER CCCXXIX.

An act amendatory of the "Act to regulate sales of real estate, made under a public statute, or the direction of a court," approved April fifteenth, eighteen hundred and forty-six.

Publication of advertisements.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the advertisements directed by the first section of the act to which this is a supplement, shall be published in two of the newspapers printed and published nearest to the place in the county in which the lands are situated that are now or hereafter may be by law designated for the publication of the laws of the state, for four weeks successively, once in each week next preceding the time appointed for selling the same; and if said sale shall be adjourned for more than one week, said adjournments shall be published in said two papers, for the publication of which not more than five dollars shall be allowed in any case against the defendant or defendants; and in publishing said adjournments it shall not be necessary to continue the publication of the original advertisements of sale, but a

statement of the parties to the cause and the adjournment shall be sufficient.

2. *And be it enacted*, That so much of the act to which this is a supplement, as is inconsistent herewith, be and the same is hereby repealed, and this act shall not affect sales pending at the time the same shall go into effect. Repealer.

Approved April 5, 1867.

CHAPTER CCCXXX.

An act to provide a digest of the laws and chancery reports of the State of New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the justices of the supreme court shall select and designate some suitable and competent person to make a digest of all the cases reported in the law and chancery reports of the state, on a plan to be approved of by said justices, and such digest shall include a complete table of the cases so reported and digested.

2. *And be it enacted*, That the person so selected and designated shall make such digest and shall submit the same for approval to the justices of the supreme court, and when approved shall cause the same to be well printed on good paper, the printing and paper to be also approved of by the said justices of the supreme court, and shall cause five hundred copies well bound in good law sheep to be delivered to the treasurer, who shall pay ten dollars for each copy, which copies shall be distributed in the same manner that the law and chancery reports are now required to be distributed.

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

Approved, April 9, 1867.

CHAPTER CCCXXXI.

An act to incorporate the United States Mail Steam Navigation Company.

Names of
corporators

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That William N. Armstrong, Frederick S. Comstock, B. Odgen White, and their associates, and all other persons who are or hereafter may be, holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of "The United States Mail Steam Navigation Company," and so to remain and continue for the period of twenty years next ensuing, for the purpose of building, equipping, furnishing, fitting, purchasing, chartering and owning vessels, or any share or shares, interest or interests therein, legal or equitable, to be propelled solely or partially by the power or aid of steam, or other expansive fluid or motive power, and to be run and propelled in navigating the ocean between such ports and places as the directors of said corporation may from time to time direct, and also purchasing, owning and navigating such sailing vessels as may be necessary to provide fuel or other necessities, and for such purpose all necessary and incidental power is hereby granted to said corporation, and for carrying freight and passengers, for transporting the mail, for providing coals, materials and supplies, and for all other business of the company; and all contracts may be made either verbal or under the signature of the president and secretary of said company, and with or without the corporate seal.

Amount of
capital
stock.

2. And be it enacted, That the capital stock of said corporation shall be five hundred thousand dollars, with liberty to increase it by a vote of the stockholders at any annual or special meeting to a sum not exceeding four millions of dollars; said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct; the said corporation may commence operations when five hundred thousand dollars shall have been subscribed, and five per centum on each share subscribed for paid in.

3. And be it enacted, That as soon as five hundred thou-

and dollars shall have been subscribed, the corporators above named, shall call a meeting of the stockholders, by giving ten consecutive days public notice thereof in one newspaper published in the county of Hudson in this state, and also in one or more newspapers published in the city of New York; and said stockholders shall elect by ballot, at such meeting or at any subsequent general meeting five directors, being stockholders, to manage and conduct the concerns, affairs and business of the said corporation, who shall hold their office for one year and until others are chosen in their places; the directors, except for the first year, shall be annually chosen, at such time and place as shall be directed by the by-laws of the said corporation, in all meetings of the stockholders each share shall entitle the holder to one vote, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; in case it should at any time happen that an election shall not be made on the day appointed by the by-laws of the said corporation, the said corporation shall not for that cause be deemed dissolved, but such election may be held on any day which shall be appointed by the directors of said corporation.

Election of directors.

4. *And be it enacted*, That any three directors of said corporation, shall form a quorum for and may transact the business of said corporation.

Quorum.

5. *And be it enacted*, That it shall be lawful for the board of directors of said corporation to call in and demand from the stockholders, respectively, all such sums of money by them subscribed for, at such times and in such payments or instalments as the said board shall deem proper, and said corporation may sue for and recover all such sums as may from time to time or at any time be due on subscriptions, with interest from the time of default in payment thereof; or if payment shall not be made by any stockholder or stockholders within sixty days after personal demand, or after notice requiring such payment shall have been published at least once in each week, for four successive weeks in one or more newspapers published in the city of New York and in Jersey City, the board of directors may declare the said shares of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited to the said company, together with all the previous payments thereon.

Instalments.

6. *And be it enacted*, That the said corporation may have

May hold
real estate.

and use a common seal, and the same may alter or renew at pleasure; said corporation may purchase, acquire, hold and convey such real estate as may be required for its purposes, to an amount not exceeding one hundred thousand dollars; the board of directors of said corporation may purchase such personal property, including the shares of other steamship companies as may be suited to or required for its business; the board of directors may in carrying on the business of said corporation, incur debts, and give the promissory notes of the said corporation therefor; *provided*, the indebtedness of the corporation shall not at any one time exceed one-half of the amount of its paid up capital.

Special
meetings.

7. *And be it enacted*, That the directors of said corporation, who from time to time may be duly elected, may appoint one of their number to be president, and such other officers and agents, and establish such by-laws and regulations as they may think proper and expedient for the government of the corporation and the management of their business, so that such by-laws and regulations shall not conflict with this charter, nor in any manner violate the constitution or laws of this state or of the United States; the board of directors may, from time to time, call special meetings of the stockholders in such manner as the by-laws may prescribe.

Book con-
taining the
names of all
stock-
holders

8. *And be it enacted*, That it shall be the duty of the said corporation to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons who are stockholders in said corporation and showing their places of residence; the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, which book shall be open for the inspection of the creditors and stockholders of the said corporation, at the office or principal place of business of said corporation.

Election of
directors to
be held in
this state.

9. *And be it enacted*, That the meetings of stockholders and of directors may be held out of this state, and when so held shall be as valid as if held in this state, but all annual meetings for the election of directors shall be held at such place in this state as the by-laws may direct; they shall have an office in Hudson county in this state, and other offices at such places as the business may require.

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

Approved, April 9, 1867.

CHAPTER CCCXXXII.

Supplement to an act entitled an act to incorporate the American Commercial Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in section second of said act the words "not exceeding the rate of seven per centum per annum" shall be held to apply only to loans made in this state. Rate of interest.

2. *And be it enacted*, That in section eighth, line eleventh of said act, that all of said section after the words "may require" shall be and the same hereby are repealed. Repealer.

3. *And be it enacted*, That said act and this supplement to the said act shall take effect immediately.

Approved April 9, 1867.

CHAPTER CCCXXXIII.

An act to incorporate the "Riverside Institute for Orphan Children of Soldiers and Sailors and others," at Riverside, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Bechtold, C. C. Lathrop, N. S. Reed, George A. Cook and James A. Murphy, and their associates be and they are hereby incorporated and made a body politic, in law and in fact, by the name, style and title of "The Riverside Institute for Soldiers' and Sailors' Orphans," and by that name, style and title shall have perpetual succession, with power to have a common seal, and the same to change at pleasure, to make contracts relative to the institution, to sue and be sued, implead and be impleaded, and by that name, style and title to be capable of taking, holding and purchasing and conveying any estate, real or personal, for the use of said corporation; *provided*, the annual income of such estate shall not exceed (10) ten thousand dollars, nor be applied to any other purpose than those for which this association is formed, to fix the quorum of the board. Names of incorporators
Proviso.

of trustees, and appoint such officers as may be requisite to establish such other by-laws, rules and regulations as the said corporation shall judge necessary or expedient for the due management of the concerns of said corporation; *provided*, that the same be not repugnant to the constitution of the United States or of this state.

Who may
become
members.

2. *And be it enacted*, That every person who shall annually pay to the treasurer of "The Riverside Institute for Soldiers' and Sailors' Orphans," the sum of one dollar or upward, shall be a member of the said "Riverside Institute for Soldiers' and Sailors' Orphans" while such person so contributes, and every person who shall pay twenty dollars at one time shall be a member for life.

Election of
managers.

3. *And be it enacted*, That the affairs and concerns of the said "Riverside Institute for Soldiers' and Sailors' Orphans," shall be conducted by a board of trustees consisting of twenty-four gentlemen, and the members of said corporation shall meet on the second Tuesday in June next, at such hour and place as the board of trustees shall designate, and elect by ballot, a board of managers, six of whom shall be elected to serve one year, six to serve for two years, six to serve for three years, and six to serve for four years; and the members of said corporation shall annually thereafter, on the second Tuesday in June, at such hour and place as the said board of trustees shall designate, elect five trustees to serve for four years, and shall then and there also elect a trustee or trustees to fill any vacancy or vacancies that might be occasioned by death, resignation or removal or neglect or refusal to act of any trustee: *provided*, that the trustees now acting and mentioned as corporators in this act shall continue to act until others shall be elected; *and provided further*, that in case an election shall not be held at the time provided the board of trustees shall give at least ten days notice before another election shall be held; *and provided*, that notice of an election shall be given at least one week in two of the newspapers of the county of Burlington, prior to the time of holding said election.

Proviso.

Proviso.

Proviso.

Guardian-
ship of
children.

4. *And be it enacted*, That it shall and may be lawful for the trustees, who shall, as the by-laws may direct, elect board of managers to conduct such institution, in their discretion to take under their guardianship all children who may be placed under their care and management, in either of the following modes: first, children under twelve years

of age who shall be voluntarily surrendered by their parent, or in case his or her death or absence, by their motion or by their guardian, to the care of said trustees by an agreement or declaration in writing; second, children under twelve years of age, who may be committed to the care of said managers and trustees by any judge of the supreme court of this state or of the circuit court, or of the court of common pleas of the county of Burlington, or on account of vagrancy or the exposure or neglect or abandonment of said children or by their parents, parent or guardian, or other people having custody of said children, and in case of poor children under the age above mentioned, contemplated by the twelfth and twenty-fifth sections of the act for the settlement and relief of the poor, approved April tenth, eighteen hundred and forty-six, it shall be lawful for the persons therein authorized to bind out such children, to commit the same by an agreement or declaration in writing, signed by said person required to sign such children's indentures to the care and management of such trustees.

5. *And be it enacted*, That the said trustees shall have the guardianship of the said children so placed under their care and management, during their minority, shall cause them to be educated and instructed in a proper manner, and may, when in their discretion it shall appear proper, bind the said children, with their consent, as apprentices during their minority, to such persons, and at such places, and to learn such trades and employments as in the judgment of the said trustees will be the most conducive to the benefit and advantage of said children; *provided*, that the charge and power of the said trustees over and upon the said children, shall not, in the case of females, extend beyond the age of eighteen years, or the said trustees, in their discretion, may return the said children to their parents or surviving parent or guardians.

6. *And be it enacted*, That the property of the said corporation held or occupied by them for the purpose of their incorporation, shall be freed from all taxes to be levied under the authority of this state; and no person shall lose or acquire a legal attachment by residence in the home to be provided by said incorporation.

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

Approved, April 9, 1867.

CHAPTER CCCXXXIV.

Supplement to an act entitled "An act to incorporate the Bergen Port Copper Company of New Jersey," approved February twenty-third, eighteen hundred and fifty-four.

Capital
stock in-
creased.

May issue
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said company be, and the same is hereby increased to one million dollars with the privilege to increase the same to three millions by vote of two-thirds of the stockholders.

2. *And be it enacted*, That the said company shall hereafter have the power to issue bonds and make notes and acceptances, to an amount not exceeding its actually paid up capital, and shall have the privilege of carrying on the manufacturing of any and all descriptions of the products of copper, iron and other ores, minerals and metals, not prohibited by the laws of this state.

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

Approved April 9, 1867.

CHAPTER CCCXXXV.

An act to incorporate "The New Jersey Pneumatic Transportation Company."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Tower, Edward W. Serrell, William R. Osborn, Charles M. Harker, R. H. Gilbert, G. W. N. Custis, and their associates, successors or assigns, or a majority of the same, are hereby constituted and declared to be a body corporate and politic in fact and in law, by the name of "The New Jersey Pneumatic Transportation Company," and as such shall have succession and may have a common seal and may alter or change the same at pleasure, may sue and be sued, plead and be impleaded unto, in any court of competent jurisdiction, may buy and hold

any land or right of way, or other property, real, personal or mixed, necessary and proper to hold for the purpose, and may do and perform the business contemplated to be done under the provisions of this act.

2. *And be it enacted*, That the capital stock of the said company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, which said shares shall be deemed to be personal property and may be transferred under such rules and regulations as the said company may prescribe.

Amount of
capital
stock.

3. *And be it enacted*, That the said company shall manage its affairs by a board of directors, who shall be shareholders at the time of their election, and a majority of whom shall be residents of this state, which board of directors shall not be less than five nor more than thirteen persons, and the said directors may appoint their president, secretary, treasurer, engineers and other officers and servants necessary and proper to survey, mark out, locate, build, construct, care for, operate, maintain and keep in repair one or more lines of pneumatic pipes in this state, and shall have their principal office in Jersey City in this state.

Principal
office of the
company.

4. *And be it enacted*, That the said company may take by purchase or gift, any strip of land not exceeding four rods in width, and may hold the same in fee, or may rent the same for a term of years, and in case the said company are unable to obtain such strip of land four rods in width, as they may require, or less in width if the same may be found sufficient, including the necessary lands for depots, stations, store-houses and warehouses, and the erection thereof.

May erect
depots, &c.

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 such strips of land, not exceeding four rods in width, and said company are invested with all powers necessary or convenient to survey, locate and construct and maintain said pneumatic pipes, 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 and waters for the purpose of exploring, surveying, leveling and laying out the route of such pipes and of locating the same, doing no unnecessary injury to private property; and when the route and location of said pipes shall be determined upon, and a survey thereof depos-

Authority
to enter up-
on and
make sur-
veys.

ited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, engineers, superintendents, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and other necessary works thereon, and to lay pipes, and to do all other things which may be suitable or necessary for the completion and repairs of said pipes, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

Proceed-
ings when
company
and owners
cannot
agree.

6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of the said company in the construction of said pipes, 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, 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 and publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land 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 matters in question and to make a true report according to the best of their skill and understanding,) to meet at the time and place appoint-

ed, and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages aforesaid, which report shall be made in writing, under the hands and seals of such 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 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, and either of the justices of the said court shall on application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justices, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

7. *And be it enacted*, That in case the said company, or owner or owners of the said land or materials, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands or materials lie, at the first term after filing of said report, by proceeding in form of petition to said court, which proceeding shall vest in said court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of said land 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 said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioner awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted

Proceed-
ings in case
of appeal

out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, and the sum awarded by the commissioners, or in case of an appeal from the award of commissioners, then the sum assessed by the jury and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, 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 legal disability, the same being first paid into the court of chancery.

May erect
storehouses
and ware-
houses.

8. *And be it enacted*, That the said company may erect such necessary and proper storehouses, and warehouses in which to receive such goods and merchandise for transportation or otherwise, as may be delivered to them and for which they may by their proper officers or agents issue warehouse or transportation receipts, which goods and merchandise may be insured by said company in any solvent insurance company; chartered by this state, for the benefit of the owners of said goods.

May con-
tract for
conveying
the mails.

9. *And be it enacted*, That the said company may charge, and by any usual process in law collect such proper and reasonable charges, as may be established by the by-laws of said company for transporting packages, parcels, and other merchandise, and warehousing the same when stored, and may contract with the United States for carrying the mails on such terms as they may see fit.

Navigation
not to be
impeded.

10. *And be it enacted*, That the said company may lay their pipes across any navigable stream of this state, but they shall in no wise impede the navigation by so doing.

Act, how
made void.

11. *And be it enacted*, That in case the said company shall not construct at least ten miles of their said pneumatic pipes within five years from the date hereof, this act shall be null and void and of no effect whatever.

Dividends.

12. *And be it enacted*, That the said company shall once in each year, and before they make any dividend to their shareholders, pay into the treasury of this state, one dollar of every one hundred dollars of their net earnings over and above their expenses of maintaining and operating said pneumatic pipes.

May cross
highways.

13. *And be it enacted*, That the said company shall have the right to cross any road or highway of this state, with the said

pneumatic pipe or pipes; *provided, however,* that they shall Proviso.
 so cross over or under said highway as not to obstruct the same;
and provided, further, that before they enter upon said road Proviso.
 or highway to construct their said pipes or works, they shall
 file a map showing the location of the same, with the county
 clerk of the county in which said road or highway is, which
 said map shall be certified to by the engineers or other
 proper officer of said company.

14. *And be it enacted,* That the said company may bargain Right of
 with any railroad, turnpike or bridge company, to construct way.
 said pneumatic pipes along such turnpike, or by the side of
 the track of any railroad, or over any bridge, and any rail-
 road, turnpike or bridge company of this state, may make
 any proper bargain for the right of way for the said pipes,
 of the said "The New Jersey Pneumatic Transportation
 Company."

15. *And be it enacted,* That if the said company shall com- Privileges.
 ply with the terms of this act, and within five years con-
 struct ten miles of their said pneumatic pipes in this state,
 and thereafter pay into the treasury of this state, one dol-
 lar of every one hundred dollars of their net earnings as
 provided in section twelfth, then the said "The New Jersey
 Pneumatic Transportation Company," shall have the right
 to construct, operate and maintain pneumatic pipes for
 transportation purposes between Jersey City and Camden
 and intermediate places.

16. *And be it enacted,* That this act shall be taken and
 held to be a public act, and shall take effect immedi-
 ately.

Approved, April 9, 1867.

CHAPTER CCCXXXVI.

A supplement to an act entitled "An act to incorporate the
 Phoenix Locomotive and Manufacturing Company," ap-
 proved March twenty-four, eighteen hundred and sixty-
 four.

1. BE IT ENACTED *by the Senate and General Assembly of the
 State of New Jersey,* That the name of said company be, and
 the same is hereby changed, and said company shall be Corporate
 name.

called and known as "The Empire Manufacturing Company," and by that name shall hereafter transact all their business and be dealt with in all courts and other places; and that said Empire Manufacturing Company be, and they hereby are vested with all the powers, rights, privileges and franchises conferred by the act to which this is a supplement, and by that name may have, hold, use, possess, enjoy, sell, lease, convey, mortgage and dispose of all the lands, tenements, hereditaments, real estate, personal estate, chattels, goods, wares, merchandise, moneys, securities and assets of the said Phoenix Locomotive and Manufacturing Company as fully; to all intents and purposes, as the last named company could do before the passage of this act.

Repealer.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'an act to incorporate the Phoenix Manufacturing Company,' approved November eighteenth, eighteen hundred and twenty-four," which supplement was approved March twenty-seventh, eighteen hundred and sixty-seven, be, and the same hereby is repealed.

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

Approved April 9, 1867.

CHAPTER CCCXXXVII.

An act to regulate the business of fire, life, accident, marine and live stock insurance by companies or associations not incorporated by this state.

Annual statement to be made to the secretary of state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all fire, life, accident, marine and live stock insurance companies organized under the laws of other states or foreign governments, and transacting fire, life, accident, marine or live stock insurance in this state, shall on or before the first day of February of each year, furnish to the secretary of state, a statement signed and sworn to by their president and secretary, specifying the name of the company, where located, the amount of paid up capital and assets, of which they are possessed; showing the manner of investments, whether in bonds, mortgages, real estate, public stocks or other securities, and particular-

izing the amount of each class of investment; also the amount of income for the year past, the amount of losses for the same time, the amount of claims unpaid, the amount necessary for reinsurance, the whole number of policies issued in this state for the preceding year. the gross amount of cash premiums received therefore for the same period, the name and residence of each agent in this state and the amount of premiums received by each during the preceding year; and it shall be the duty of the secretary of state to prepare a form of statement to be filled up by such insurance companies or associations, establishing agencies or transacting the business of fire, life, accident, marine or live stock insurance in this state, which shall conform to the above requirements, and such statement condensed shall be published by the secretary of state, in a newspaper in the counties where such agents may be located; at the expense and charges of the said companies.

2. *And be it enacted*, That if upon filing the statement aforesaid it shall appear that the company or association is possessed of an actually paid in and well invested capital stock of at least one hundred and fifty thousand dollars over and above all claims and liabilities, and has paid the license and tax hereinafter provided for, then the secretary of state shall issue a certificate of authority to the company for the transaction of business, and allowing agencies to be established in this state, and there shall be paid to the secretary of state for filing the statement aforesaid, the publication thereof, and issuing the certificate of authority required by this section the sum of five dollars.

Certificate of authority to be issued to the company by the secretary of state.

3. *And be it enacted*, That annually on or before the first day of February in each year, every such fire, life, accident, marine, or live stock insurance company, shall pay to the secretary of state the sum of fifty dollars, as license for transacting business in this state, and pay a tax of two per centum on all premiums received by said companies in this state for the preceding year; *provided however*, that life insurance companies of states which do not impose a greater assessment upon the agents of this state shall pay annually, on or before the first day of February, to the secretary of state, in lieu of the tax of two per centum, the sum of twenty dollars for each and every agent appointed by and acting for them.

License and state tax.

Proviso.

4. *And be it enacted*, That when there shall exist in any city, borough or township of this state, an organized fire de-

Tax from
foreign fire
insurance
companies
to be paid
to charit-
able fire as-
sociations.

partment, and a charitable association or organization for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all the moneys received by the secretary of state as herein provided as payment of the tax of two per centum upon the premiums received by the agents of foreign fire insurance companies within the limits of such city, borough or township, shall be received for the benefit of and be appropriated and applied to the use of the charitable fund of the said fire department; and the secretary of state, before the first day of April in each year, shall upon due proof of the bona fide existence of such organization or association, pay over the sums by him received for the benefit of its charitable fund during the preceding year, as above provided; to the treasurer thereof, or to such other officer as may be duly authorized to receive the same, taking a proper receipt therefor.

Moneys to
be paid to
treasurer
by secreta-
ry of state.

5. *And be it enacted*, That the secretary of state shall on the first day of April of each year, make a full and complete statement to the comptroller, of all sums of money received by him from the said foreign insurance companies on account of the license, and tax of two per centum and of all payments in lieu of said tax; and he shall also give an account of all payments made by him to charitable fire associations, in pursuance of the fourth section of this act; and the amount remaining in his hands he shall pay over to the treasurer of the state upon a receipt countersigned by the comptroller.

Certificate
of authority
to agents.

6. *And be it enacted*, That the secretary of state shall issue a certificate of authority to all agents, appointed and commissioned by any such foreign insurance company, which have complied with the requirements of this act, to transact business in the state for one year from the first day of February, anno domini, eighteen hundred and sixty-seven, and shall be renewed annually during the month of January every year.

Certificates
may be
revoked.

7. *And be it enacted*, That the secretary of state shall have authority to revoke and cancel any certificate issued by him upon being satisfied that the statement upon which such certificate of authority was issued, is fraudulent, or that the capital of the company since the issuing of the certificate has become impaired.

Agents
shall not
act without
certificate
of authority

8. *And be it enacted*, That it shall not be lawful for any person or persons to take, or effect, or cause, or procure to be made or effected, any insurance of whatever kind, by or in

behalf of any insurance company or association not incorporated under, and by virtue of the laws of this state, and no person shall, directly or indirectly take, effect, or renew a policy of insurance of any kind, on any person or thing, within this state, for any such company, without having first obtained the certificate of authority as mentioned in section six of this act.

9. *And be it enacted*, That every violation of this act shall subject the party violating, to a penalty of one hundred dollars for each violation, to be sued for and collected in the name of the state by the prosecutor of the pleas for the county where the offence shall have been committed; and the person or persons against whom a judgment shall be obtained, shall be committed to the county jail until such fine and costs are paid, or otherwise discharged; and one-half of said penalty when recovered, shall be paid the charitable fund of any fire department in said county, and the other half to the informer of such violation. Penalty for violation of this act

10. *And be it enacted*, That the first tax to be paid as mentioned in this act, shall be paid on premiums received during and for the year eighteen hundred and sixty-seven, and the county collectors, and all persons acting under them, are hereby directed and ordered to assign over to the secretary of state, any bonds in their possession given by the agents of any foreign insurance companies for the year eighteen hundred and sixty-seven. Bonds given to county collectors by agents to be assigned over to the secretary of state.

11. *And be it enacted*, That the sixth section of the act entitled "An act relative to Insurance Companies," approved April fifteenth, eighteen hundred and forty-six, and all acts and parts of acts heretofore passed that may be inconsistent with this act are hereby repealed. Repealer.

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

Approved April 9, 1867.

CHAPTER CCCXXXVIII.

An act to incorporate the New Jersey Association for the Improvement of the Thorough-bred Horse.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Adolphe Maillard, Robert F. Stock-

Names of the
corporators ton, John G. Stevens, Henry S. Little, Francis Corlies, William E. Toler, Richard B. Chiswell, E. Boudinot Colt, William R. Travers, John Hunter, and their associates and successors, shall be and they are hereby constituted a body politic and corporate by the name of "The New Jersey Association for the Improvement of the Thorough-bred Horse," with the power to lease or purchase, hold and improve, such real estate in the counties of Mercer, Monmouth and Passaic, as may be necessary for the purposes of said association, and have power to sell, mortgage, lease or otherwise dispose of the same or any part thereof, at pleasure, and have 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 corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each and paid in, by the stockholders, in such time, manner and instalments, as the directors of said corporation may direct, and such shares shall be deemed personal property and be transferable only in such manner as the said company by their by-laws may appoint, and the said corporation may hereafter increase their capital stock to an amount not exceeding two hundred thousand dollars.

May issue
preferred
stock.

3. *And be it enacted*, That it shall be lawful for the said association, for the purposes of this act, to issue preferred stock, and to specify from what income fund of the said association, the dividends thereon may be declared, and to regulate the issuing and form of said preferred stock and the terms of paying the dividends by the by-laws of the directors.

Commit-
sioners to
receive sub-
scriptions
to capital
stock.

4. *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 association, at such times, and places, and in such manner and amounts as they or a majority of them shall think proper, giving notice thereof by publishing the same for at least two weeks in some newspaper published in this state, and as soon as one hundred shares are subscribed the said commissioners, or a majority of them, are hereby authorized to hold their first meeting as directors of said association, to choose, elect and employ such officers and committees as they may deem necessary, and make all such by-laws, rules and regulations as they may think proper for the government of said association, for admission to and conducting of their exhibitions or

meetings, for the admission of honorary and yearly members and for levying assessments on said shares of the association and said directors shall have power to forfeit or sell any such share or shares as shall be in arrears from the non-payment of any assessment within the time specified by the by-laws; and for the purpose of maintaining order and preventing disturbances at the meetings thereof, shall have police jurisdiction within one mile of the boundaries of any of their exhibition or meeting grounds; and it shall be their duty, and shall have the power to suppress the sale of ardent spirits and other intoxicating beverages, and to prohibit every species of gambling, breach of the peace or laws of the state within said limits; and the said directors shall, each of them, continue in office during and for the term of his natural life and the existence of the corporation, except in case of voluntary resignation, and all additions to or vacancies in the said board, shall be made or filled by the remaining members of the board; and the officers shall hold their offices for one year and till others are elected.

5. *And be it enacted*, That the objects of said association shall be to improve the condition and breed of thorough-bred horses; and for carrying out the objects of this act, said association may hold one or more meetings upon any of their grounds in each year, for the exhibition and trial of such horses as the directors, or a majority of them may deem proper, and may offer and give such premiums and rewards for superiority in the objects sought for as the said directors, or a majority of them, may agree upon; 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, any or all of the grounds and improvements belonging to said association.

6. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum upon and about all the exhibition or meeting grounds of said association, and among the visitors and spectators to the same, it shall be lawful for the said directors to appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe before the sheriff of the county in which said grounds are situate, or one of the judges of the court of common pleas in and for said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of said county and shall be of like form and effect as now required by law.

for constables to take and subscribe, and which person or persons so appointed and sworn, shall possess the same powers and authority on the premises of the said association, and on the premises adjacent thereto, within the limits named in section four of this act, which constables now possess in criminal cases, and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the meetings or exhibitions or visitors thereto, or rules and regulations of said association; and the said parties so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county, or any police magistrate or justice of any town or city nearest their said grounds, there to be dealt with according to law.

Taxes.

7. *And be it enacted*, That all real estate which may hereafter be held or owned by said association, shall be subject to taxation for all purposes as other lands in the state.

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

Approved, April 9, 1867.

CHAPTER CCCXXXIX.

An act to incorporate the Capital Insurance Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Frederick R. Wilkinson, John Taylor, Charles Bechtel, Benjamin O. Tyler, John O. Raum, James Buchanan and Daniel Peters, and all other persons who may hereafter become associated with them and their successors, are hereby constituted and declared to be a body politic and corporate in law by the name, style and title of the "Capital Insurance Company," and by the same name shall have perpetual succession, have and use a common seal, and the same to change, alter and renew; sue and be sued, plead and be impleaded, purchase, lease or dispose of property, and ordain and establish and put in execution such laws, ordinances and regulations as shall appear necessary and convenient for the government of the corpo-

ration, not being contrary to the laws of this state or of the United States, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being and management of the corporation.

2. *And be it enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, with privilege to increase to one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said company, by each subscriber, the sum and instalment of ten dollars on each share of stock by him or her subscribed for at the time of subscribing, and a further instalment of fifteen dollars on each share shall be paid within ninety days after the organization of said company; and the remainder of said shares shall be paid in such instalments as the directors may determine; and if any subscriber of any share or shares of said stock shall neglect or refuse to pay the instalments as aforesaid for the space of sixty days after the same shall become due or required, and after thirty days notice to such stockholders, the stock of such negligent stockholder shall be sold by the directors in such manner as they may provide in the by-laws; and the proceeds of said sales shall be first applied in payment of the instalments called for and the expenses attending the sale; and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects, entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and such shares shall be transferable on the books of said company in such manner as they may prescribe.

Stock trans-
ferable.

4. *And be it enacted*, That the corporation hereby created shall have the power to insure the health of the subscribers; also to insure them against accidents, as well as other persons who shall make application for that purpose and to make all and every insurance appertaining to or connected with health and accident risks of whatever kind or nature.

Insurance.

5. *And be it enacted*, That the affairs of said company shall be managed and conducted by a board of directors consisting of seven members, a majority of whom shall be residents of this state, in whom shall be vested all the corporate powers and authority of this act; the said directors

Powers of
directors.

shall elect from their own number a president and vice president, and they shall also elect or appoint a secretary of said board, and one person as treasurer; and they may appoint such officers, clerks, agents, physicians and attorneys, as may be found necessary for the promotion of the business of the company; they shall make all by-laws, rules and regulations necessary for the government of the affairs of the company; they shall determine the rates of insurance, and the amount of each risk; they shall have the power of calling meetings and fixing stated periods for the same; they may fill vacancies in their body occasioned by death or resignation.

Election of
directors

6. *And be it enacted*, That the election for directors shall be held on the second Monday of January in each year, between the hours of ten and twelve, at such place in the city of Trenton as the board of directors shall designate; such election shall be by ballot, and a plurality of votes shall elect; absent stockholders may be represented by proxy.

First
directors.

7. *And be it enacted*, That the seven persons named in the first section of this act shall constitute the first board of directors, and their first meeting shall be held as soon as practicable after the passage of this act; and they are authorized to open the books and receive subscriptions to the capital stock of said company, at such time and place, in the city of Trenton, and upon such notice as they shall direct.

Place of
business.

8. *And be it enacted*, That the business of the company shall be carried on at such place in the city of Trenton, as the directors shall appoint, and at such agencies out of the city as they may establish.

Annual
statement
to be made.

9. *And be it enacted*, That the directors shall on the first Monday of January in each year, cause to be made a general balance statement of the affairs of said company; such statement shall contain the amount of premiums received during the year, the amount of interest received from investments, the amount of expenses, the amount of losses incurred, the balance remaining with the company, the nature of the securities in which the said balance is invested, and the amount of cash on hand; said statement shall be subscribed and sworn to by their president and secretary, and shall be at all times open for the examination of bona fide stockholders.

Policies

10. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, may be made with or without the seal of the company, and shall be signed by the

president and secretary, and being so signed and executed, shall be binding and obligatory upon the company, according to the true intent and meaning of such policies and contracts.

11. *And be it enacted*, That no investments of the company shall be made except either in 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 other first class securities, as the directors may approve; and that no part of the funds of said company shall be used or invested in the purchase or discount of, or advance upon, promissory notes or bills of exchange, or other negotiable paper. Investments.

12. *And be it enacted*, That nothing in this act shall be construed so as to authorize said company to engage in any business save insurance of health, and against accidents or personal injury; and the legislature reserves the right to alter, amend or repeal the same. Act maybe amended or repealed.

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

Approved, April 9, 1867.

CHAPTER CCCXL.

Supplement to an act entitled "An act to incorporate the town of Hammonton, in the township of Mullica, in the county of Atlantic."

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the chairman of the board of assessors of said town shall receive for his services the sum of fifty dollars per annum. Compensation.

2. *And be it enacted*, That all real estate situate in the town of Hammonton shall be subject to taxation in said town, and no abatement or abatements shall be made for or on account of any mortgage or mortgages, excepting such as may be held in the town, but the same shall be and remain a lien upon such real estate until paid. Taxes to be a lien on real estate.

3. *And be it enacted*, That on the application in writing of ten freeholders of the town, asking for the opening, laying out, widening, altering, grading, paving, graveling, curbing Improve ment of streets, &c

or guttering any street, road or avenue in said town, or any part thereof, it shall be lawful for the board of councilmen, by resolution, to direct the town surveyor to make a survey of such road and file the same, together with a map, and estimate of the probable cost of such road, with the town clerk within thirty days from the date of such order; the clerk thereupon shall issue notices by advertisements in one of the papers published in said town, and by five notices put up in conspicuous public places in said town, calling a town meeting for the purpose of passing upon such application or applications; *provided*, that not more than three such meetings shall be held in any one year; and if a majority of the legal voters present at such town meeting shall sanction the opening, laying out, widening, altering, grading, paving, graveling, curbing or guttering of any street, road or avenue in said town, or any part thereof, the councilmen shall by ordinance, at their next meeting, appoint three discreet, impartial and disinterested persons, residents and freeholders in said town, commissioners (who shall be first duly sworn or affirmed by the town clerk,) to examine into the whole matter impartially and to the best of their judgment, skill and ability, who shall estimate the whole cost of said improvement, according to their best judgment, and shall assess such damages and report the names of the owners of the lots or parcels abutting upon such street, road or avenue as far as practicable, and shall file said report with the clerk of the town within thirty days after their appointment.

Cost of
improvements to be
raised by
tax.

4. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking, and paving streets, roads and avenues, and repairing the same, shall be taxed and assessed to the whole town of Hammonton, excepting only such portions of said expenses and costs as said commissioners shall assess upon each separate lot or parcel of land that may be directly benefitted by said improvements.

Applica-
tions for
opening
streets, &c.,
may be
rejected.

5. *And be it enacted*, That if the application for opening, laying out, altering, widening, filling up, grading, altering the grading of, refilling, guttering, curbing, bridging, planking and paving of any street, road or avenue in said town, be rejected by the town meeting called for the purpose of acting upon such application, then the said expenses shall

be paid by the persons applying for the same, and if remaining unpaid for fifteen days after the rejection of said application, the same shall be entered as a lien against the property of such applicants.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as relates to the town of Hammonton, be and the same are hereby repealed. Repealer.

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

Approved April 9, 1867.

CHAPTER CCCXLI.

An act to amend the act incorporating the Central American Transit Company, approved March twenty-eighth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time within which the company incorporated by the act hereby amended shall establish a line of steam or ocean vessels to run from Jersey City or the vicinity thereof, in this state, is hereby extended to the period of five years from the passage of this act; and it shall be deemed a compliance with said act if such line shall be so established in connection with said company in their business of transportation, by any other company or person. Time extended.

Approved April 9, 1867.

CHAPTER CCCXLII.

An act for the relief of Benjamin Youmans.

WHEREAS, one George Youmans, late of the county of Sussex, was, on the first day of November, in the year eighteen hundred and sixty-three, arrested in said county upon a charge of grand larceny; and whereas, Benjamin You- Preamble.

mans, father of the said George, entered into recognizance to the state of New Jersey, in the sum of five hundred dollars, for the appearance of the said George at the next term of the court in and for said county; *and whereas*, the said George afterwards, to wit, after said arrest and before the next setting of said court, enlisted in the military service of the United States, and has not been heard from for over three years past, and is supposed to have been killed in said service, and has not appeared before said court, and in consequence thereof the recognizances of the said Benjamin Youmans has been forfeited; *and whereas*, the said Benjamin is a man of moderate circumstances, and the payment of the said sum would impoverish and wholly ruin him; therefore,

Release.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Benjamin Youmans be and that he is hereby released from the payment of said sum of five hundred dollars, and from all liability on said recognizance.

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

Approved April 9, 1867.

CHAPTER CCCXLIII.

A supplement to an act entitled "An act to incorporate the Mount Holly and Moorestown Turnpike Company," approved March twenty-fifth, eighteen hundred and fifty-two.

Preamble.

WHEREAS, The actual value of the capital stock of "The Mount Holly and Moorestown Turnpike Company," does not exceed the one-half of twenty-five dollars per share, the par value thereof, and application has been made by said company to reduce their said stock to its actual value, therefore,

Par value of stock reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the par value of said stock shall be, and hereby is reduced to twelve dollars and fifty cents per share; and that that sum shall be deemed and taken as the amount of said stock paid in by the stockholders to

said company; and that this act shall take effect immediately.

Approved April 9, 1867.

CHAPTER CCCXLIV.

A further supplement to the act entitled "An act to authorize a sluice and dam across Moonackie creek in the county of Bergen," approved February seventh, eighteen hundred and sixteen.

WHEREAS, under the supplement to the said act which was approved March seventeenth, eighteen hundred and sixty-five, works have been erected and maintained by the managers therein named, and adequate power is not granted by said act and its supplements to enforce payment of three parts of the cost thereof apportioned to lands benefitted thereby owned by non-residents; *and whereas*, it is proper that all the property benefitted by said works should contribute its proportion; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the cost of the erection and maintenance of such sluice and other water works heretofore legally incurred or hereafter incurred, under said act and the supplements thereto; and the expenses incident thereto, apportioned or hereafter to be apportioned thereunder to lands owned by non-residents of the state, shall be a lien upon the said lands from the date of such apportionment, and in case of default in the payment thereof after the notice required by the supplement of March seventeenth, eighteen hundred and sixty-five, the said managers shall give notice by public advertisement put up in three public places in Lodi township for sixty days before the day of sale, that at the time and place therein mentioned, the said lands on which such apportionments are unpaid, will be sold therefor at public auction, and at such time and place between the hours of one and five in the afternoon, said managers shall offer for sale and sell at public auction, the said lands, to any person who will take the same for the shortest time and pay the said apportionment and interest thereon as aforesaid, and the costs and expenses incurred thereon;

Land on which apportionments are unpaid to be sold at public sale.

and said managers shall execute and deliver to such purchaser a deed for the land so sold to him, which shall convey said lands to said purchasers for the term for which the same was struck off to him.

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

Approved April 9, 1867.

CHAPTER CCCXLV.

An act to incorporate The Elizabeth River Improvement Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Amos Clark, Junior, Edward G. Brown, Jacob Davis, James C. Fairbank, David Mulford, Francis B. Chetwood and John S. Spencer, their associates, successors and assigns be, and they hereby are made a body corporate and politic by the name of The Elizabeth River Improvement Company, and by that name may sue and be sued, plead and be impleaded, prosecute and defend to final judgment and execution, and may and shall have, possess and enjoy all such privileges and powers, and immunities, and do and suffer all such matters and things as are incident to similar corporations in this state.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall consist of the sum of one hundred thousand dollars, which shall be divided into ten thousand shares of ten dollars each; and the said company may commence its operations whenever the sum of twenty thousand dollars of such stock shall have been subscribed for and held by bona fide and responsible subscribers; each share of said stock shall entitle its holder to one vote, by himself or his proxy, upon all questions and in all matters pertaining to the affairs of said company, and shall be issued, transferred and held in the manner prescribed by the by-laws of said company.

May re-
move ob-
structions.

3. *And be it enacted*, That said corporation be and the same hereby is authorized and empowered to enter upon and remove all driftwood, trees, stones, earth, mud and other obstructions that may exist or be in the channel of said river.

from the mouth thereof to the stone bridge in Broad street in said city of Elizabeth, and may widen, straighten, deepen, excavate and improve the natural channel of said river within the limits aforesaid; and may erect, maintain and continue such dams, booms, slips, sidecuts and canals in the channel or valley of said stream, and all such docks, landings, structures and buildings upon the margin thereof, as may be necessary and proper for the more perfect use and enjoyment of said stream for the purposes of navigation and mechanic arts; *provided however*, that said corporation shall be liable to the owner or owners of any mill or mills, bridge or bridges, machinery, lands and other property for any and all damage or injury occasioned by the erection of such dams or other works, or by the changing of the channel of said stream as aforesaid, in the same way and manner and to the same extent as if this act had not been passed. Proviso.

4. *And be it enacted*, That said corporation may from time to time acquire by negotiation, exchange or purchase, and hold and convey any and all such lands and real estate as may be necessary and convenient to carry on and perfect such improvements as aforesaid; and may also purchase, hold or convey in addition thereto, such other real estate and chattels real as they may elect, not exceeding in value the sum of fifty thousand dollars, and such company may take such additional land as may be essential and necessary to the completion of the improvements aforesaid, in the manner and under the restrictions and conditions hereinafter provided, or otherwise established by law. May hold real estate.

5. *And be it enacted*, That for the purpose of remunerating the stockholders of said company, for the use of the monies by them expended and to be expended upon the improvement aforesaid, and in supporting and maintaining the same, the company may levy and collect such toll or tolls, fare or fares for travel and transportation over and upon the waters of said stream as may be just and reasonable, and as may be assessed upon the same, according to the provisions of this act; *provided*, that such tolls and fares shall not in the aggregate exceed the sum of ten per cent. net profit upon the expenditures actually made in the prosecution and completion of such improvements. Tolls or fares for transportation may be taken.

6. *And be it enacted*, That at their first meeting or at any adjournment thereof the corporators aforesaid, and the stockholders in said company may adopt such by-laws for the Proviso.
May make by laws and establish rules, &c.

government of said company, and establish such rules and regulations for the management of its business, not inconsistent with the constitution and laws of this state or of the United States, and may establish such offices, and appoint such officers and agents as may be expedient and necessary for the transaction of the business aforesaid; and such officers and agents shall continue to hold and exercise the duties of their respective positions, in accordance with the provisions of such regulations and by-laws, and not otherwise.

Notice of
meeting.

7. *And be it enacted*, That any three of the five persons first named in this bill may call the first meeting of the corporators by notice in writing signed by themselves, stating the time, place and purpose of such meeting, and published three weeks successively, the last of which publications shall be not more than ten days prior to the day appointed for said meeting.

Proceed-
ings when
company
and owners
cannot
agree.

8. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of any such land, as may be required for the improvements aforesaid, 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 prosecution and completion of their said improvements aforesaid, 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 the 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 lands in controversy lie 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 ap-

pointment; to be expressed therein not less than ten days, and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the improvement of said stream, and the prosecution and completion of the works of said company as aforesaid, 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 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 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; *provided, always, that* Proviso. 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 land may lie.

Proceed-
ings in case
of appeal

Proviso.

9. *And be it enacted,* That every appeal from the decision of the commissioners under the preceding section, shall be made in writing, and in the form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the 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 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 improving said river, or of making any erections 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; but in case the party or parties entitled to receive the amount assessed by the commissioners shall appeal from said report and shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county wherein the 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.

10. *And be it enacted*, That when the works of said company shall have been so far completed as to be useful for the purposes of navigation, it shall be the duty of one or more of the judges of the supreme court, in this state, upon the application of any proper officer or officers of said company, to appoint a board of three disinterested commissioners, who shall make up and assess upon the travel and transportation on and over said stream, a tariff of the tolls and charges hereinbefore granted as aforesaid, to said company, and make report of the same to the said judge or judges of said court, and upon the approval of said report, said company may proceed to levy and collect the tolls and charges aforesaid, upon their said business, in accordance with said report and the laws of this state. Tolls and charges how authorized.

11. *And be it enacted*, That if any person shall wilfully impair, injure or destroy or obstruct the use of the channel or any of the improvements of said company constructed under the provisions of this act, or any of the works, wharves, structures, buildings, carriages, machines, or other property thereof, such person or persons shall forfeit and pay to said company the sum of fifty dollars, for each and every such offence, 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 injury to property of corporation.

12. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto, so far as they are applicable. Restrictions and liabilities.

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

Approved April 9, 1867.

CHAPTER CCCXLVI.

A supplement to an act entitled "An act to incorporate the East Newark Gas Light Company," approved March twenty eighth, eighteen hundred and sixty-two.

Preamble.

WHEREAS, the East Newark Gas Light-Company, by an act of the legislature of this state, entitled "An act to incorporate the East Newark Gas Light Company," approved March twenty-eighth, eighteen hundred and sixty-two, was ordained, constituted and declared to be a body corporate in law and in name, with certain rights, privileges and franchises and subject to certain duties, limitations and restrictions; *and whereas*, through inadvertance have omitted to pay the tax and assessment imposed upon their said act of incorporation by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, therefore,

Original act revised.

Proviso.

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 East Newark Gas Light Company," approved March twenty-eighth, eighteen hundred and sixty-two, shall stand revived and shall have the same force and effect as if the said tax and assessment had been duly paid on or before the first day of July next after the passage of said mentioned act; *provided*, that the said tax and assessment imposed by the act entitled "An act to increase the revenues of the State of New Jersey," shall be duly paid on or before the first day of July next after the passage of this act.

Names of incorporators

2. *And be it enacted*, That William H. McClave, Andrew A. Smalley, Josiah Conley, Hiram W. Davis, Hiram Gilbert, Jeromé B. Ward and Reuben B. Baldwin, be, and are hereby, declared to be the incorporators of the said "The East Newark Gas Light Company," in the stead and place of the corporators named in the first section of the act to which this is a supplement.

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

Approved, April 9, 1867.

CHAPTER CCCXLVII.

An act to incorporate the Morristown Institution for Savings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Cobb, Austin Regua, Lebbeus B. Ward, Joseph W. Ballentine, Augustus W. Cutler, Louis B. Cobb, William G. Lathrop, William C. Baker and William C. Caskey, and their successors shall be, and they are hereby, constituted a body politic and corporate by the name of "Morristown Institution for Savings," and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors any real and personal estate in fee simple or otherwise, and of disposing of the same at their will and pleasure; *provided, always, that* the clear annual value of such real and personal estate, exclusive of the profits which may arise from the interest, accruing upon the investments of the deposits, or from the sale of any securities or property in which the deposits may be invested, shall not exceed the sum of ten thousand dollars.

2. *And be it enacted*, That the said institution shall be conducted by nine managers, of whom five at least shall be residents of Morristown, five of said managers shall constitute a quorum for the transaction of business; and the seat of any manager who shall have neglected to attend four successive regular meetings may be declared vacant by the board, and measures taken to supply such vacancy; the persons named in the first section of this act shall be the first managers of said institution; the board of managers shall meet annually on the first Monday in May, and choose one of their number as president, they shall have power to appoint a secretary, treasurer, and such other officers as they may think necessary for conducting the business of the institution, which officers, so chosen and appointed, shall continue in office for one year and until others are chosen, unless sooner removed by said board; all officers so chosen shall, if required by the said managers, give bond with security, for the faithful performance of the duties of their office, in such sum or sums as the said managers may direct.

Managers
may estab-
lish by-laws
&c.

3. *And be it enacted*, That the board of managers shall have power from time to time to make, ordain and establish such by-laws and regulations as they shall judge proper, for the election of officers and prescribing their duties, for regulating the times and places of the meeting of the managers, and generally for the transacting, managing and directing the affairs of the institution; *provided always*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Deposits.

4. *And be it enacted*, That said institution may receive as deposits all sums of money which may offered for that purpose, and may invest the same in such amounts and at such times and on such terms as the by-laws may prescribe, and the said institution may also execute all trusts of every description relating to the care, safekeeping and investment of moneys entrusted to it by any person or persons by will or otherwise, or by the order of any court.

Rate of
Interest.

5. *And be it enacted*, That it shall be the duty of the managers, from time to time, to regulate the rate of interest to be allowed and paid to depositors, so that they may receive as near as can be, a ratable proportion of the profits, after deducting therefrom all necessary expenses, and retaining a reasonable surplus or contingent fund; and such rate of interest may be so regulated by said managers, that the interest allowed to such depositors as have one thousand dollars or more on deposit, shall be one per centum per annum less than the interest allowed to other depositors.

President
or man-
agers not
allowed
compensa-
tion

6. *And be it enacted*, That no emolument or compensation shall be received, either directly or indirectly, by the president or other managers for their services, nor shall any manager, officer or agent of the institution be allowed, directly or indirectly to borrow any money from said institution; nor shall said institution take or hold any notes, bonds, mortgages or other securities made by any officer thereof, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment
of deposits.

7. *And be it enacted*, That said institution shall not invest any of the moneys deposited therein in any public stocks, except such as are created under the laws of the United States or the state of New Jersey, or such as may have been or may hereafter be issued by the cities of Newark or Jersey City, under the laws of this state; nor shall the said managers loan money on bond and mortgage, except on unincumbered real estate, within the opinion of said managers

at least double the amount loaned thereon; nor shall the said managers invest any part of the money deposited in said institution or belonging to it, in the stock or bonds of any incorporated company whatsoever.

8. *And be it enacted*, That all certificates or evidences of deposits made and signed by the proper officers of said institution shall be as binding as if the same were made under their common seal. Evidences of deposits.

9. *And be it enacted*, That it shall be lawful for the said institution, at the discretion of the managers, for the time being, to pay to any depositor, being a minor, such sum as may be due to him, not exceeding five hundred dollars, whenever such minor shall be without a legally appointed guardian; and the receipt of such minor shall be as valid a discharge from such debt as if the same had been executed and signed by a guardian duly appointed, or by a person of full age; *provided always*, the deposits so paid shall have been made personally by said minor and not by any other person or persons for his benefit; married women may deposit money in their own names, and receive the interest thereon, and may receive and withdraw the same by their own order or receipt without the aid, or using the name of their husbands, and such deposit shall not be in any way subject to the control nor liable for the debts of the husband. Deposits of minors. Proviso.

10. *And be it enacted*, That a book shall be kept at the office of the said institution in which any depositor shall be at liberty to direct to whom, in the event of his death without a will disposing of the same, the money, which may be due to him at the time of his death, shall be paid, and all payments made in accordance with such directions shall be as full and complete a discharge of said institution from all other claim therefor, as if the payment had been made to the original depositor personally. Book for directions by depositors to be kept.

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

12. *And be it enacted*, That the managers shall have power, in case of a vacancy in the board, caused by death, removal, refusal to serve or any other cause, to fill such vacancy by ballot at any regular annual meeting, by a vote of a majority of those present. Vacancies how supplied.

Account
books with
depositors
to be kept

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

Annual
report to be
made.

14. *And be it enacted*, That it shall be the duty of the said institution to make an annual report of its condition to the legislature of this state, under the oath or affirmation of the treasurer and the president, or a committee of the managers appointed for that purpose, and such a report or an abstract thereof shall also be published in one or more of the newspapers published in the said county of Morris.

Place of
business.

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

Public act.

16. *And be it enacted*, That this act shall be, and it is hereby declared to be a public act, and shall in all courts be most favorably construed for effecting the purposes herein intended; *provided*, the legislature may at any time hereafter alter, amend or modify this act.

Proviso.

Repealed.

17. *And be it enacted*, That the act entitled "An act to incorporate 'The Morristown Savings Institution,'" approved March eighth, eighteen hundred and sixty-one, be, and the same is hereby repealed.

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

Approved, April 9, 1867.

CHAPTER CCXLVIII.

An act relative to the Board of Assessors in the county of Essex.

Per centage
on assessed
value of
property
how in-
creased.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That at the meeting of the board of assessors of the county of Essex, to fix and adjust the proportion or quota of tax to be levied and collected in each township or ward for state and county purposes, it shall not be

lawful to add to, or increase the per centage of the assessed value of property in any township or ward of said county, unless a majority of two-thirds of the whole number of assessors, (the board of assessment and revision of taxes, in the city of Newark being entitled to as many votes as there shall be wards in said city,) for said county shall order such assessment to be altered, and such percentage added to the assessed value.

2. *And be it enacted*, That the provisions of the thirteenth section of an act entitled "An act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six, be and the same hereby are extended to all the towns and townships of said county of Essex.

Provisions
of act ex-
tended.

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

Approved April 9, 1867.

CHAPTER CCCXLIX.

An act to incorporate the Phillipsburg Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin T. Harris, John C. Bennett, William R. Beers, Edmund Teel, John Firth, Samuel L. Shimer, Joseph C. Kent, A. J. Fulmer, John H. Dean and Lewis M. Teel, and such other persons as may hereafter be associated with them, their successors and assigns be, and they are hereby created a body corporate and politic in fact and in law, by the name of Phillipsburg Horse Car Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary and expedient for the object of this corporation.

Names of
corporators

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and

Amount of
capital
stock.

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

Power to
lay out and
construct
railroad.

Proviso

3. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad with necessary turnouts through Main street from the west end thereof to a point at or near Lock number one, of the Morris canal company, with a branch or branches to the railroad depots as the same now or hereafter may be, and such other branches in the streets of said town as may be deemed necessary; *provided*, the said railroad shall not be constructed through any of said streets without the consent of the common council of the town of Phillipsburg, being first had and obtained by an ordinance of the common council, and 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, and 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 town 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.

Proviso.

Dividends.

4. *And be it enacted*, That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of January and July in each and every year, to be paid at any time after ten days from the time of declaring the same.

May make
by-laws, &c.

5. *And be it enacted*, That said company shall have power to elect or appoint a president and seven directors, a majority of whom, with the president, shall be citizens of Warren county, and such other officers as may be deemed necessary, and in every election for officers, each share of stock

shall entitle the holder to one vote; said company to have the power also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation.

6. *And be it enacted*, That said company shall have power to receive on bonds any sum not exceeding one-half of their paid up capital stock for the purpose of carrying out the provisions of this act; *provided*, that no bond shall be issued for a less sum than one hundred dollars, and at a rate of interest not exceeding seven per centum. May issue bonds.
Proviso.

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

Approved April 9, 1867.

CHAPTER CCCL.

A supplement to an act entitled "An act to incorporate the General Accident Insurance Company," approved March ninth, anno domini eighteen hundred and sixty-six.

WHEREAS, by the act to which this is a supplement it is doubtful whether the company incorporated is authorized to insure persons against loss of life resulting from natural causes, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said company shall be, and hereby is, authorized to insure persons against the loss of life resulting from natural or accidental causes, and said company may add to the title thereof the words "Life and" between the words "General" and "Accident." May insure lives of persons.

Approved April 9, 1867.

CHAPTER CCCLI.

An act to incorporate the Long Branch Spring Company.

Names of corporators 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Haight, R. Cornell White, John C. White, Thomas G. Chattle, M. D., Zebulon W. Scuvven, M. D., James O. Green, M. D., Samuel Laird, John V. Conover, John C. Draper, M. D., George Cade, George H. Green, Elwyn S. Green, and Francis Corlies and their associates and successors be, and they are hereby made a body corporate in fact and in law, by the name of the Long Branch Mineral Spring Company, and by that name shall have power to lease, purchase, hold, mortgage and sell real estate in the townships of Ocean and Lincoln, in the county of Monmouth, and to erect buildings thereon, and to improve such mineral springs as may be found in said townships, and to vend and ship the waters of said springs as may to them seem meet and proper for the accommodation of the public and to do and perform all such business as in any way appertains to the rights herein granted, such as erecting buildings, leasing the same, and borrowing money for the purposes aforesaid.

Amount of capital stock. 2. *And be it enacted*, That the capital stock shall be twenty five thousand dollars, divided into shares of twenty-five dollars each, which shares shall be transferable in such manner as the by-laws may direct, and each share shall entitle the holder thereof to one vote at all meetings of the stockholders, which may be given either in person or by proxy; and it shall be lawful to purchase lands and springs for the said capital stock, which stock when so paid, shall be full paid stock.

First directors. 3. *And be it enacted*, That the persons named in the first section shall be the directors of this company, until others are elected in their place.

Elections to be annual. 4. *And be it enacted*, That after the present year an election for five directors shall be held on the first Tuesday of June, in each and every year.

Limitation 5. *And be it enacted*, That this act shall be in force for a period of thirty years, and shall take effect immediately, but the legislature may at any time alter or repeal the same, and said corporation shall possess the general powers, and be

subject to the restrictions contained in the act entitled "An act concerning corporations," approved February fourteenth, anno domini eighteen hundred and forty-six, as far as the same is applicable.

Approved, April 9, 1867.

CHAPTER CCCLII.

An act to incorporate the Speedwell Cranberry Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Armstrong, William Cooper, Lippincot, John B. Hankinson, James W. Campbell James Lippincot, Isaac E. Messmore, Daniel Messmore and Franklin W. Earl and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of the "Speedwell Cranberry Company." Names of
corporators

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with the privilege to the said company of increasing the same to one hundred thousand dollars, to be divided into shares of fifty dollars each, to be deemed personal property, and to be transferable only on the books of this corporation. Amount of
capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they, or a majority of them, shall think proper; and at the time of subscribing for said stock, ten dollars on each share shall be paid said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such instalments, and at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days notice in two or more newspapers printed and circulated in this state; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said instalments or any of them, to and for the use of said company; and whenever ten thousand dollars of the capital stock aforesaid shall have been subscribed, such Commis-
sioners to
receive sub-
scriptions.

commissioners shall, as soon as they deem it expedient, give like notice of a meeting of the stockholders, at such time and place as they may designate, to choose five directors, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be, after every election, choose out of their own number a president; and the said board of directors shall have power to elect a secretary and treasurer for the said company, to serve for one year and until a successor or successors shall be chosen by the said board, and in case of the death, resignation or removal of the president, secretary or treasurer, or any director, such vacancy or vacancies may be filled for the remainder of the then current year, by the said board of directors.

May hold
real estate.

4. *And be it enacted*, That the said company when organized as aforesaid, shall be and they are hereby authorized to purchase, take, hold, occupy and convey such and so much land as they may deem proper, situate in the county of Burlington, and to improve the same for the cultivation of cranberries, and to sell and convey the same, and to erect such buildings thereon as may be necessary or convenient for the use of said company, and to lay, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said lands.

May borrow
money.

5. *And be it enacted*, That it shall be lawful for the directors of said company from time to time to borrow such sums of money as may to them seem advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands or other property of the said company.

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

Approved April 9, 1867.

CHAPTER CCCLIII.

A supplement to "An act to provide for raising moneys paid and to be paid to volunteers or for substitutes in the township of Independence, in the county of Warren, passed February twenty-second, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement, be, and the same is hereby amended by striking out the proviso at the end of said section, being all of said section after the word "thereto" and inserting in lieu thereof the following; to wit, *provided*, that in levying and assessing the moneys by this act authorized to be raised, it shall be lawful to levy and assess a poll tax of three dollars upon every such inhabitant therein, by the existing laws liable to poll tax at the time said poll tax is assessed. Part of original act amended.
Proviso.

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

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

Approved, April 9, 1867.

CHAPTER CCCLIV.

An act to incorporate the Jersey Lumber Company.

1: BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josiah P. Huntoon, Richard B. Chiswell, John J. Brown, William Gledhill, and Philip Rafferty, be, and they hereby are constituted a body politic and corporate, in fact and in law, by the name of the Jersey Lumber Company, and as such shall possess and exercise the ordinary powers of corporations for the purposes of this act, subject to the restrictions and limitations of the laws of this state and of this act, but shall not engage in banking or manufacturing except as herein provided. Names of incorporators

Business of
the com-
pany.

2. *And be it enacted*, That the objects of said corporation being the dealing and working in lumber, they are hereby authorized to buy, sell and deal in wood and lumber of every kind and description, to buy and sell the same, to manufacture the same into different articles for builders and others, and to buy, hold, lease, sell and mortgage any property real or personal, necessary for carrying into effect the purposes of this act.

Amount of
capital
stock.

3. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, in shares of one hundred dollars each, which may be increased by an order of the directors, or by a vote of the majority of the stockholders to any sum not exceeding three hundred thousand dollars, and that said shares shall be transferable, as the by-laws shall prescribe.

Commis-
sioners to
receive sub-
scriptions.

4. *And be it enacted*, That the persons named in the first section of this act, shall be commissioners to open books of subscription for said stock, in Passaic county, at such times and places as they or a majority of them may determine; and when ten thousand dollars have been subscribed and paid, said company may begin their business under this act; that said commissioners, when the time for subscribing has expired, shall call a meeting of stockholders, who shall elect directors not less than three, nor more than seven in number, who shall, as soon as convenient, organize by electing a president and other necessary officers, and thereupon the said commissioners shall deliver to said directors or to their president, all books and papers in their hands, received under this act.

Elections to
be annual.

5. *And be it enacted*, That said board may issue stock for any property, real or personal, necessary for the purposes of said company, under this act, that all directors and officers of the company, except those first chosen, shall hold office for one year and till successors are chosen and qualified; that said stock shall be personal property and holders shall be entitled to one vote for each share owned by them, and the elections shall be held annually on the first Monday in May at such time and place in said county as the by-laws shall appoint.

Limitation.

6. *And be it enacted*, That this act shall be in force for twenty-five years, but may be altered or repealed by the legislature, and shall take effect immediately.

Approved, April 9, 1867.

CHAPTER C C C L V .

A supplement to an act entitled "An act to facilitate entries of satisfaction on the records of judgments," passed June tenth, eighteen hundred and twenty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any party in whose favor judgment is rendered in the supreme court or any of the circuit courts or inferior courts of common pleas in this state, shall receive satisfaction of such judgment, it shall be lawful for the attorney upon the record of said judgment to authorize and empower the clerk of the court in which said judgment was rendered to enter an acknowledgment of satisfaction upon the records of said judgment by an instrument in writing of the same general form and effect as that mentioned and described in the third section of the act to which this is a supplement.

Clerk to enter acknowledgment of record of judgment.

2. *And be it enacted*, That when said attorney upon the record shall have delivered to said clerk a power of attorney, authorizing satisfaction of said judgment of the same tenor and effect as that mentioned in said third section, duly executed, acknowledged or proved, the said clerk shall forthwith enter satisfaction of said judgment in pursuance thereof, and in conformity, as nearly as may be, with the directions in said act, applicable to cases wherein said power of attorney may have been executed by the party in whose favor the judgment was rendered; the same fees shall be charged for services in the satisfaction of judgments in the mode provided by this supplement as in said original act.

Fees for services.

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

Approved April 9, 1867.

CHAPTER CCCLVI.

A supplement to act entitled "An act to incorporate the Manchester Land Company," approved March sixth, eighteen hundred and sixty-six.

Company
may erect
water works

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall have power and authority, at any time after the passage of this act, from time to time, to erect water powers on Toms river or any of its branches, on lands belonging to said company in Ocean county New Jersey, by constructing dams, embankments, reservoirs, aqueducts, culverts, locks, weirs, gate-ways, raceways and bridges and such other works as the directors of the said company may deem necessary and convenient for the uses and purposes of mills and various branches of manufacturing; and for the better carrying on and management thereof, to repair and improve the same, and for the successful construction and operating of said water powers, it shall be lawful for said company to enter upon and take possession of all and singular such lands lying within and without the bounds of the said Manchester Land Company's land, which the said directors may judge necessary for the extension of said dams and for embankments, reservoirs, aqueducts, culverts, locks, weirs, gateways, raceways and bridges and for overflowing and submerging, and for all the purposes contemplated in this act, doing no unnecessary damage and subject to such compensation to be made therefor as is hereinafter directed.

Proceed-
ings when
company
and owners
cannot
agree.

2. *And be it enacted*, That if the said company or their agents cannot agree with the owner or owners of such required lands 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, then one of the justices of the supreme court of this state, or one of the judges of the court of common pleas in and for the county of Ocean, shall on application of either party, nominate and appoint three disinterested persons to examine such lands and estimate the value thereof or damage sustained thereby, and who shall at the same time take into consideration all the benefits which the said owner or owners may derive from, or in consideration of said water powers or improvements,

and who shall after at least ten days notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon and deliver the same to the court at the next session thereof, which shall be held in the said county; and whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner or owners, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required or for the damages sustained, as the case may be; and thereupon the said company shall become seized in fee of such lands so required and shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

3. *And be it enacted*, That it may and shall be lawful for the said company to dispose of, grant and sell all such portion, lots, sites and privileges acquired by them under this act, and to convey the same or any part thereof by deeds acknowledged and recorded, or otherwise to demise, lease and let the same for such term or time and upon such conditions as they shall from time to time think proper and expedient; and that the said company be authorized to take mortgages or other securities for any sum or sums of money that may be due or unpaid on account of such sale, uses or rents.

May hold
and convey
real estate

4. *And be it enacted*, That the said company shall have power, from time to time, to borrow money and to make and deliver the bonds or obligations of the company therefor, at a rate not exceeding seven per centum per annum, the principal and interest payable at such times and places as the company may direct, the total amount of the bonds shall not exceed one-half the capital stock paid in at the time of the issue, and may secure the same by a mortgage or mortgages of the company upon any or all of their property, real or personal, and upon the chartered or other rights of the company; it shall also be lawful for said company to make a portion of said bonds convertible into stock of the company to an amount not to exceed two hundred thousand dollars, at such times and on such terms as shall be specified therein; and it shall not be lawful for said company to plead any statute against usury in any suit brought to enforce any or all of said bonds.

May borrow
money.

Approved April 9, 1867.

CHAPTER CCCLVII.

An act to incorporate the Enterprise Stock and Mutual Life Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert McLaughlin, William Keesney, Henry Wescott, Delos E. Culver, Noah D. Taylor, John Lamb, Hosea F. Clark, Dudley S. Gregory, Charles O'Neill, John Tower, Charles G. Lisson 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 Enterprise Stock and Mutual Life Insurance Company," to be located at Jersey City, in this state, and by that name to sue and be sued, to plead and be impleaded, in all courts of justice and to have and to use a common seal, and the same to alter and change at pleasure, and also by that name shall be and hereby are empowered to purchase, hold and possess, and enjoy to themselves, and their successors, any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for its accommodation in the transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts, and all such 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.

Names of
corporators

Proviso.

Amount of
quarterly
capital
stock.

2. *And be it enacted*, That there shall be an original guaranty capital stock subscribed to the said corporation which shall be two hundred thousand dollars to be divided into shares by the directors, fifty thousand dollars of which shall be paid in before the said corporation shall go into operation for the purpose of making insurance; the remainder of

said stock may be called for by the directors from time to time, when they deem it necessary or expedient, and shall be paid in by the holder of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

3. *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 twelve, with the privilege of increasing their number to 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 three classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and so on successively each and every year, and an insurance of at least five hundred dollars in amount shall be necessary to entitle any member to a vote, and a plurality of votes shall constitute a choice; and that the election for directors shall be held on the third Monday of January in each year at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given in one or more newspapers published in the city of Jersey City at least two weeks previous to the time of holding such election, and if any of the said directors shall die, refuse or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that an election for directors should not be held on the day when in pursuance of this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of said corporation.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurances predicated upon the lives of persons, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws.

of said corporation, and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever kind or nature; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the corporation, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by such member, which rates of assessment shall be approved of by a majority of the directors; and notice in writing shall be given to such member, or his lawful representative, of the assessment and amount by him or them required to be paid, and each and every member or his lawful representative so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right or claim to any policy or privilege that he may have obtained, and be no longer a member of the corporation, and shall be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Married woman may insure life of her husband.

5. *And be it enacted*, That it shall be lawful for any married woman, in her own name, or in the name of any third person as trustee, to cause to be insured the life of her husband for any given period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to her child or children, for his, her or their benefit, or their guardian or guardians if under age; *provided*, that this section shall not apply to insurance where the annual premium shall exceed the sum of three hundred dollars, unless paid from the private property of the wife.

Proviso.

Dividends.

6. *And be it enacted*, That whenever the net surplus of the receipts of the corporation over their losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per centum, or to such less dividend as may

be agreed upon at the time of subscribing the stock, and in the case of such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

7. *And be it enacted*, That after providing for risks, losses, incidental expenses and dividends as aforesaid, the directors shall set apart one quarter of the estimated surplus funds and receipts as a reserved fund, to be applied to the redemption of the guaranty stock; and whenever, after the expiration of ten years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guaranty stock, the same shall be redeemed. Reserved fund.

8. *And be it enacted*, That upon the redemption and extinguishment of the guaranty stock, under the provision in section seventh, the directors shall be chosen by the assured. Directors to be chosen.

9. *And be it enacted*, That at the expiration of every period of five years from the time of the organization of the company the surplus funds and receipts, after the payment of seven per cent. on the guaranty stock, until the same shall be redeemed, may be divided among the policy holders, not exceeding the sum of twenty-five per centum of said amount. Division of surplus.

10. *And be it enacted*, That the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property and effects of the corporation, and in all such matters as appertain to the government of said corporation and the transaction of its business, and shall have power to appoint an actuary and such other additional officers, clerks and servants for carrying on the business of said corporation as they may select, with such allowance as to them shall appear just and satisfactory; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of this state or of the United States. May make by-laws, &c. Proviso.

11. *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 appoint- President and vice-president.

ed in his place; they may also choose a vice-president in like manner, who shall perform the duties of the president in case of his absence or inability to serve.

Funds how invested. 12. *And be it enacted*, That the funds received by said corporation in their business may be invested in bonds and mortgages on unincumbered real estate in the state of New Jersey, worth double the amount loaned thereon, or in bonds or stocks of this state, or the incorporated cities thereof, or in such other securities as the board of directors may deem for the best interest of the corporation.

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

Approved, April 9, 1867.

CHAPTER CCCLVIII.

An act supplementary to and amendatory of an act entitled "An act to incorporate the Madison and Troy Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-six.

Names of corporators 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Alfred B. Brittin, Monroe Howell, Andrew J. Smith, Calvin Howell, Silas Tuttle, Daniel Coghlan and Edwin Wilson, and their associates and successors, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Madison and Troy Railroad Company," and by that name they, and their successors, shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or in equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of, and holding or conveying, any real or personal estate, shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act.

Election of directors. 2. *And be it enacted*, That when twenty per centum of the capital stock of the said corporation shall be subscribed for, and the books closed, and the apportionment made, if

the same be necessary, it shall be the duty of the aforesaid commissioners, or a majority of them, to give like notice as the above, to choose seven directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscriptions and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being the stockholders shall in the same manner elect the same number of directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid; and the first directors, and yearly the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors; and in case of absence of the president, the said board or a majority of them, may appoint a president *pro tempore*.

3. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of said corporation, and may have power to call in the unpaid balance of the stock subscribed for by such instalments, not exceeding ten dollars on any one share at any one time, and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation; and shall have full power and control of the remainder of the capital stock of the company, which has not been subscribed or paid for, and may dispose of the same for the benefit of the company, on such terms and at such rates as to them may seem proper and just; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents and servants as may be required to transact the business of the cor-

poration, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust, and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this corporation.

Repealer.

4. *And be it enacted*, That sections one, four and five of an act entitled "An act to incorporate the Madison and Troy Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-six, as a substitute for which sections this act is passed, be, and they are hereby repealed.

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

Approved April 9, 1867.

CHAPTER CCCLIX.

A supplement to the act entitled "An act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company," approved February twelfth, eighteen hundred and sixty-seven.

Names of
additional
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sylvester S. Battin and Albert Beach be added as corporators with all the powers with which the corporators named in the first section of the act to which this a supplement are invested, and that any seven of the said corporators shall constitute a quorum for the transaction of business.

Amend-
ment.

2. *And be it enacted*, That in the fourth section of said act the words "a majority" shall be stricken out and the word three inserted instead thereof.

Repealer.

3. *And be it enacted*, That section sixteen of the act to which this is a supplement, be and the same is hereby repealed.

Statement
of cost and
expenses to
be filed

4. *And be it enacted*, That as soon as the said railroad, or any part thereof is in operation, the president of the said company shall file, under oath or affirmation a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the sec-

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

5. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, may pass and repass upon said road in the cars of the company free of charge. Who may ride free.

6. *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. Repealer.

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

Approved April 9, 1867.

CHAPTER CCCLX.

An act to incorporate the "Ruby Gold and Silver Mining Company of Colorado."

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Cochran, Charles T. Reed and Hunter Steadman, and such other persons as may be associated with them, and their successors and assigns, shall be, and they are hereby declared a body politic and corporate in law, by the name of the "Ruby Gold and Silver Mining Company of Colorado."

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock in said company shall be five hundred thousand dollars, divided into one hundred thousand shares at five dollars each, with power to increase said capital stock to a sum not exceeding one million dollars, or to reduce said capital stock at the pleasure of a majority of the stockholders of said company.

Commis-
sioners to
receive sub-
scriptions.

3. *And be it enacted*, That the above named corporators or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and times, place and places, upon such notice as they shall direct, and at the time of subscribing for said stock, such amount on each share shall be paid, satisfied, or satisfactorily secured to said commissssioners, as they or a majority of them shall determine; and the residue of the subscription shall be paid, satisfied and secured as the directors may determine, and in such instalments, and at such times and places, in such manner, and to such person or persons as said directors shall, from time to time direct, giving notice of such time and place, and person or persons, by notice published for two weeks, in one or more newspapers published in this state, and their principal office shall be located in the city of Camden.

Stock may
be forfeited

4. *And be it enacted*, That the said commissioners shall have full power and authority, upon failure of any stockholder to pay or secure any assessments on said stock so made as aforesaid, to forfeit the stock of said stockholder, to and for the benefit of the company, and the said stock shall be sold in such manner as said company shall direct.

5. *And be it enacted*, That there shall be reserved ten

thousand shares of said stock for a working capital of said company.

6. *And be it enacted*, That the said Ruby Gold and Silver Mining Company of Colorado, in their corporate name as such, shall have perpetual succession, and shall be capable of suing and being sued, in pleading and of granting and of receiving in its corporate name property, real, personal and mixed, and of holding and improving lands in any territory of the limits of the United States or in any state of this Union, except in the states of New Jersey and Pennsylvania, and to improve and develop any of their real property, by digging, boring, excavating and mining and obtaining therefrom any and all minerals and other valuable substance or substances, whether by working or mining, leasing or disposing of privileges to work or mine such lands or any part thereof, and to erect or purchase houses or other buildings, improvements, machinery and works, and also to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey such and so many lands, mines, deposits, springs, wells and all such parts, shares and interests therein, as they may deem proper, in fee simple or any less estate; and when by the laws of the state or territory where any of the property may be situated or be, the said company may not be authorized or capable to have, hold, enjoy or convey, rent and lease the same, or the legal estate therein themselves or otherwise, when they may think proper, the said company may purchase, hire, rent, have, hold, use, enjoy, grant, lease and convey any trust or other equitable or beneficial estate, or interest, as cestui que trust or otherwise, in any property which may be purchased, hired, leased or held by trustees or other person for the use or benefit of said company, and the same shall make part of the value and be represented by the stock of said company.

7. *And be it enacted*, That said corporators named in this act, or their assigns, or legal representatives, shall have power to elect a president and a board of five directors, all of whom shall be stockholders, of said company, but the president shall be one of their number; and said board of directors shall have power to make and adopt a common seal for said corporation, to appoint from their own number or otherwise a treasurer and secretary, and such other officers of the board and of the company as they may deem necessary, and also to borrow such sums of money as they may from time to time deem advisable for the purpose of said

Powers of
directors.

company, not exceeding two-thirds of the paid up capital stock of said company, and to issue bonds of said company therefor, and to secure the payment of the same by a mortgage or mortgages on the land, estate and other property of said company and to make by-laws, rules and regulations for their own government and to alter the same provided such by-laws rules and regulations be not inconsistent with the constitution of the United States, the constitution of this state, or with the provisions of this act as they may think proper, and in such by-laws, rules and regulations to regulate the issuing and transfer of stock, and for the general government and management of the officers of the company.

Proviso.

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

Approved April 9, 1867.

CHAPTER CCCLXI.

An act to incorporate the Central New Jersey Land Improvement Company.

Preamble.

WHEREAS, The Central Railroad Company of New Jersey, have found it necessary, in securing land for their roadway, in altering, improving and widening the same, and in enlarging and improving the various station grounds, and other facilities for transportation, to purchase land along the route of their railroad, portions of which are not required for the use of the company; *and whereas*, it is not necessary or desirable that such surplus land should be held by the said company, but that the same should be disposed of for the stockholders of the said railroad company, in trust for whom the same is now held, and to that end it is necessary that the title to the said land should be so vested, that it may be conveyed from time to time to purchasers, notwithstanding death or other cause affecting the individuals owning, or who may own the said lands, or in whom the title may be so vested; *and whereas*, it may be necessary or advantageous to the stockholders of said Central Railroad Company to pur-

chase more surplus lands along the route of their road, therefore.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That for the purpose of carrying into effect the objects stated in the foregoing preamble, ^{Names of} John Taylor Johnston, John C. Green, Moses Taylor, Benjamin Williamson, Adam Norrie, Frederick T. Frelinghuysen and William E. Dodge, and all such other persons as may hereafter be associated with them, shall be, and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Central New Jersey Land Improvement Company," and by that name shall be capable of purchasing, holding and conveying any lands and tenements proper for accomplishing the objects of the said corporation hereby created; ^{corporators} *provided*, that nothing in this act shall be so construed as to confirm the title to or to grant any land belonging to this state covered by water, or which has been covered by water, and is now or shall hereafter be in possession of the said Central Railroad Company of New Jersey; ^{adviso.} *provided*, that the lands and tenements so to be held by the said company shall be contiguous to said railroad, and lands which have been or shall be purchased for the purposes mentioned in the preamble of this act, and that nothing in this act shall be so construed as in any wise to confirm the title to any land the said company may hold by purchase or otherwise. ^{Proviso.}

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege, from time to time, of increasing the same, as may be required for the purposes of this incorporation, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner as the directors of the said company may direct; and in case of the failure of any stockholder to pay the instalments, or any of them, the share or shares in which such default shall be made, shall be liable to forfeiture for the benefit of the company, that the said stock shall be deemed personal property, and the shares shall be transferable in such manner, as the directors by their by-laws may direct; and every share shall entitle the holder to one vote, either in person or by proxy; ^{Amount of capital stock.} *provided*, that the stock of said corporation hereby created, shall (on or before the fourth day of July next, of which due notice shall be given) first be offered to the stockholders of the Central Railroad Company. ^{Proviso.}

of New Jersey in proportion to the stock held by them in said railroad company.

Directors
to be
chosen
annually.

3. *And be it enacted*, That the affairs of the said company shall be managed by seven directors, to be chosen by the stockholders annually, at such time and in such manner as the by-laws of the company may direct, who shall serve for one year, and until others are chosen in their stead, notice of which election shall be previously given for two weeks, in one or more newspapers published in the city of Elizabeth, and that John Taylor Johnston, John C. Green, Moses Taylor, Benjamin Williamson, Adam Norrie, Frederick T. Frelinghuysen and William E. Dodge, shall be the first directors, a majority of whom shall, as soon as convenient, after the passage of this act, assemble and organize the said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead; the said directors shall from time to time elect a president from their number, and may also appoint such other officers as may be convenient or necessary.

Names of
first direc-
tors.

Act, may be
repealed.

4. *And be it enacted*, That it shall be lawful for the legislature of this state to alter, modify, or repeal this act whenever in their opinion the public good may require it.

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

Approved April 9, 1867.

CHAPTER CCCLXII.

Supplement to an act entitled "An act to authorize the establishment of a Home for Disabled Soldiers," approved March twenty-third, eighteen hundred and sixty-five.

Soldiers
that may
have tem-
porary ad-
mission.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in cases where the commandant of the home deems it advisable, soldiers from other states who may come to the home in distress, and soldiers of our own state whose disability may date subsequent to their service in the army, may have temporary admittance and entertainment at the home.

Beneficia-
ries.

2. *And be it enacted*, That men who were not residents of the state when they enlisted, but were disabled while serv-

ing in a New Jersey regiment or in the navy, being accredited to the state, may be admitted as beneficiaries of the home.

3. *And be it enacted*, That the use of the home as a hospital is permitted in cases requiring surgical treatment or operations, considered suitable by the commandant and where payment of expenses is guaranteed; *provided*, that in no instance shall any patient be admitted under this section who is afflicted with any contagious or infectious disease, or to the exclusion of any soldier entitled under the provisions of the act.

May be used as a hospital in certain cases.

Provido.

Approved April 9, 1867.

CHAPTER CCCLXIII.

An act to provide for the collection of Taxes in the township of Stockton, in the county of Camden.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Stockton, in the county of Camden, shall annually appoint one or more special constables as collector or collectors of arrears, to whom the justice of the peace having the list of delinquent taxpayers of the said township according to the direction and appointment of the said township committee, shall direct the warrant or warrants required by the eighteenth section of the act concerning taxes, who, before they enter upon the duties of the said appointment, shall enter into bond unto the inhabitants of the township of Stockton, in such sum and with such sureties as the said township committee shall require, for the faithful performance of all the duties of such appointment; and who shall have all the powers and be required to perform all the duties of a constable in respect to such warrant, and of the collection of the arrears of taxes in the same mentioned, and under like penalties as are or may be required and prescribed in respect to constables to whom such warrant may be directed and delivered.

Collectors of arrears of taxes.

2. *And be it enacted*, That an alias or pluries tax warrant may be issued each year upon the production of the former warrant, to such justice of the peace as may be designated

Alias or pluries tax warrant may be issued.

by the said township committee of the said township, to collect the arrears of taxes uncollected by the neglect or default of the officer to whom such former warrant may have been delivered, against the delinquent taxpayers named therein, or in the schedule thereto annexed, and so from time to time, at any time within five years from the time when any tax may have become due and payable, until the same shall be collected, which alias and pluries tax warrants shall be directed to the special constable so designated and appointed by the aforesaid township committee, who shall be authorized and required to execute the same, in the same manner as in the case of the original tax warrants.

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

Approved April 9, 1867.

CHAPTER CCCLXIV.

A supplement to the act entitled "An act to incorporate the Rahway White Rubber Company" approved March sixth, eighteen hundred and sixty-six.

Number of
directors
increased.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the number of persons composing the directors of said company may be increased to any number not exceeding thirteen, and that the present board may appoint until the next annual election.

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

Approved April 9, 1867.

CHAPTER CCCLXV.

A supplement to an act entitled "An act to revise and amend the charter of the city of Trenton," approved March fifteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the license fee to be assessed upon and paid by any person for license to keep an inn and tavern within said city shall not be less than fifty dollars, nor more than two hundred dollars, for license to keep such inn and tavern for the term of one year, and shall be at a rate not less than fifty dollars, nor greater than two hundred dollars, by the year, for any longer or shorter term.

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

Approved, April 9, 1867.

CHAPTER CCCLXVI.

An act to prevent depredations by excursion parties.

WHEREAS, it is the custom of steamboats and other vessels to convey excursions or picnic parties from Philadelphia, and of landing the same in large numbers in the townships of Beverly and Cinnaminson and Mansfield, in Burlington county; *and whereas*, such parties enter the dwellings, and commit great depredations on and destruction to the premises and property of the inhabitants of said townships, and if resisted or remonstrated with, threaten the lives and have actually assaulted the inhabitants and injured them seriously in person and property; *and whereas*, from their numbers and combined power, as well as their lawless and violent character and facility to escape, it is impossible for the civil authorities to arrest and bring them to justice; therefore,

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all captains, commanders, or owners of steamboats or other vessels, are hereby prohibited

from landing such excursion or picnic parties on the banks or wharves of the Delaware river, at or near Delanco, on Florence Height, or of the Rancocas river, in the said townships of Beverly and Cinnaminson, below Delta Grove, on the Rancocas river, near Bridgeboro, in Burlington county, in said townships of Cinnaminson, Beverly, or Mansfield, or of embarking said parties on board of said steamboats, or vessels, within said described districts, and that any captain, commander, or owners of any steamboat or vessel, running on the Delaware or Rancocas rivers, who shall thus convey and land or disembark any such excursion or picnic parties at such places, shall forfeit and pay the sum of ten dollars for each and every person so landed or disembarked, and shall be liable to arrest, which said sum of ten dollars shall be recovered before any justice of the peace of the county of Burlington, and such captain, commander or owner, shall be liable for any and all damages that may be committed by such excursion or picnic parties, to the property or persons of the citizens or residents of the said county of Burlington.

Penalty for
landing ex-
cursions or
picnic par-
ties.

2. *And be it enacted*, That all such fines and penalties as may be collected shall, after paying the expenses incurred, be equally divided between the party complaining of such offence and prosecuting the same, and the township committee for use of the said township where such offence shall be committed, or where the said justice of the peace shall take cognizance of the same, and the funds arising from such fines and penalties, shall be used by said township committee to reimburse any resident of such township, so far as may be, for any damage sustained by him or her by such excursion or picnic parties, or if no such damage shall be claimed or awarded by such township committee, then they shall appropriate the said fund or sum accruing from such penalties to the school fund of said township.

Disposi-
tions of
fines and
penalties.

3. *And be it enacted*, That it shall be the duty of all justices of the peace or any other magistrate of said county of Burlington, to proceed against any parties, captains, commanders, or owners of such steamboats or vessels owning the same, for any and all violations or infringements of this act, and to pay over any fine or penalties so recovered, less the costs of proceedings as directed in this act.

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

Approved, April 9, 1867.

CHAPTER CCCLXVII.

A supplement to the act entitled "An act to incorporate a company to form an artificial navigation between the waters of Newark Bay and New York Bay."

WHEREAS, the New York and Newark Bay Ship Canal Company, by an act of the legislature of this state, entitled "An act to incorporate a company to form an artificial navigation between the waters of Newark Bay and New York Bay," approved March thirteenth, eighteen hundred and sixty-six, was ordained, constituted and declared to be a body politic and corporate, in fact and in name, with certain rights, privileges and franchises, and subject to certain duties, restrictions and limitations; *and whereas*, the said "restrictions and limitations" are such as to very materially interfere with, if not entirely, prevent the construction of the said ship canal; *and whereas*, the early construction of said canal will be of immense interest and benefit to the commercial public at large, but more especially to the counties of Hudson, Essex, Passaic and Bergen, through which run the navigable waters of the Passaic and Hackensack rivers; *and whereas*, it has heretofore been the policy of the state to foster and encourage internal improvements; 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 New York and Newark Bay Ship Canal Company to occupy and take, in addition to the three hundred feet of land now allowed by the act of which this is a supplement, an additional three hundred feet of land upon the low lands through which the canal may pass, subject however to the same provisions as contained in the original act in reference to the occupying and taking of land; and also that it shall and may be lawful for the said company to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell all other additional lands for basins or otherwise as may be deemed expedient for the interest of the company.

2. *And be it enacted*, That the right to construct piers mentioned in section seven (7) of the original act shall be limited to three hundred feet in width, unless the quantity

of earth to be removed from the land cut and by dredging to make a sufficient depth of water, should require a greater width, but in no event shall the piers be wider than the shore front of the property of the company, and these piers when completed shall be the property of the company for their sole use and benefit.

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

Approved, April 9, 1867.

CHAPTER CCLXVIII.

An act to incorporate "the Montclair Library Association."

Preamble.

WHEREAS, the persons hereinafter named and others, have formed themselves into an association under the name and title of "the Montclair Library Association," the object of which association is the establishment of a lecture hall and library, with all proper conveniences and appurtenances, and the erection of a suitable edifice for its accommodation, with a view to advance the interest of learning generally, and to instruct and educate the youth of Montclair in science, literature and the arts; *and whereas*, the association is desirous of an act of incorporation that its purposes may be effectually subversed; therefore,

Names of the
incorporators

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Robert M. Helling, Philip Doremus, H. B. Keene, Samuel Wilde, J. C. Hart, Julius H. Pratt, J. W. Wiedemayer, E. B. Clark, J. C. Brantigan, J. J. H. Love, L. S. Benedict, H. H. Lloyd, D. T. Warren, Charles K. Wilmar, P. L. Van Riper, D. V. Harrison, William Torrey, Frederick H. Harris, J. Henry Clark, Edward Sweet, George Dwight, Hiram Littell, W. O. Pillsbury, and all and every other person or persons who are or may become their associates, their successors and assigns, shall be and are hereby incorporated by the name of "the Montclair Library Association," and by that name shall be a body corporate and politic, and shall be forever hereafter capable to hold, receive by donation or otherwise, purchase, lease and convey real and personal estate; *provided always*, that the yearly income

Envisé.

of such real and personal estate do not at any time exceed the sum of five thousand dollars.

2. *And be it enacted*, That the capital stock of the said corporation shall not exceed fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, the association having the power to commence operations as soon as the sum of two thousand dollars is subscribed. Amount of capital stock.

3. *And be it enacted*, That on the first Wednesday after the first Monday in January, in the year of our Lord, one thousand eight hundred and sixty-eight, and annually thereafter an election shall be held at a general meeting of the stockholders for not less than five, nor more than eleven of their number as directors for the ensuing year; and that each stockholder present at such election shall have one vote for each share of stock he may hold, if not more than five, and one vote for every additional five shares, and those persons having a majority of all the votes cast shall be deemed elected; and that the persons above particularly named as corporators shall constitute a board of directors until others are elected; and that in case an election shall not be made on the day appointed by this act, the corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such an election on some day not more than six weeks after the time herein appointed for the annual election; and the directors at any time in office shall hold their offices until others are elected, and in case of the death, resignation or removal of any director, the vacancy occasioned thereby shall be filled for the remainder of the term by a vote of a majority of the board of directors; three inspectors for the annual election shall be appointed by the directors from stockholders who are not directors. Election of directors.

4. *And be it enacted*, That the directors shall choose from among themselves or from among the stockholders generally, a secretary and treasurer; and the directors shall have authority also to appoint a librarian, and such other officers as may be necessary, to establish regulations and restrictions which shall be binding upon stockholders and others, in the use of books, and in the enjoyment of the privileges and objects of the association; and four directors of the corporation shall constitute a quorum competent to do all business, excepting such business as by the requirements of this act or any by-law of the association, shall require more than four to perform. Directors may appoint officers.

Instalments 5. *And be it enacted*, That all instalments due from stockholders on the share or shares by them respectively held, shall be paid at such times as the directors for the time being shall appoint, and the non-payment of such instalments by the stockholders after due notice, shall if the board of directors so determine, either work a forfeiture of all previous payments and the stock upon which such instalments shall not be paid, as aforesaid, shall revert to the association, and be by them sold for the benefit of the association, or the board of directors may take legal measures to enforce the payment thereof.

Stock transferable. 6. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and the shares of stock shall be transferable only on the books of the association, under such regulations as the board of directors may prescribe.

Exempt from taxation. 7. *And be it enacted*, That no state, county, township or other assessments, taxes, or charges, whatsoever, shall at any time be levied or imposed upon the said association, or upon the stocks or estates which may become vested in them, under this act, so long as said association shall appropriate and use the whole of its income to promote the objects set forth in this act.

Restrictions and liabilities. 8. *And be it enacted*, That this 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, as far as the same are applicable.

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

Approved, April 9, 1867.

CHAPTER CCCLXIX.

An act to confirm the acknowledgments and proofs of deeds and other instruments of writing, taken by Emmor Roberts.

Preamble. WHEREAS, it appears to the legislature that Emmor Roberts was duly appointed, on the fifteenth day of February,

in the year eighteen hundred and sixty-five, one of the commissioners to take acknowledgments and proofs of deeds for the township of Evesham, in the county of Burlington, and was commissioned, and affirmed into office by virtue of said commission, and whereas it appears that there were already three duly appointed and qualified commissioners for the taking of acknowledgments and proofs of deeds, living and serving in said township of Evesham, at the time the said Emmor Roberts received and affirmed to his commission, wherefore said Emmor Roberts' appointment was a nullity, and by reason of acknowledgments and proofs taken by him, innocent persons may be subject to great loss; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, and other instruments of writing, taken and certified by the said Emmor Roberts, as commissioner, from the time of his entering upon the duties of said appointment to the present time, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the said Emmor Roberts had been lawfully authorized to take the same. Acts confirmed.

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

Approved April 9, 1867.

CHAPTER CCCLXX.

A further supplement to "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person summoned to serve as a petit juror in the supreme court, the circuit courts, the courts of oyer and terminer and general jail delivery, the courts of common pleas, and the courts of general quarter sessions of the peace, shall receive the sum of two dollars for every day's attendance at such courts, to be paid to him at the expiration of each term of service, by the sheriff of the county from which the juror or constable shall serve. Compensation of jurors.

Repealer

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

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

Approved April 9, 1867.

CHAPTER CCCLXXI.

A supplement to an act entitled "An Act to incorporate the Mount Pleasant Cemetery Association, of Newton, New Jersey," approved April twelfth, eighteen hundred and sixty-four.

May hold
real estate
situated in
Sussex
county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for "The Mount Pleasant Cemetery Association, of Newton, New Jersey," to purchase and hold in fee any tract of land situated in the county of Sussex, in this state, for the purpose of a cemetery, and may hold such tract of land for the uses and purposes as mentioned in the act to which this act is a supplement.

Repealer.

2. *And be it enacted*, That all acts and parts of acts which interfere with and are contrary to the provisions of this act, be and the same are hereby repealed, so far as they interfere with this act and the provisions thereof.

Names of
corporators
substituted.

3. *And be it enacted*, That the names of Henry C. Kelsey and Frank M. Ward be substituted for the names of Thomas N. McCarter, removed from the county, and Aaron Peck, deceased, corporators in the original act to which this is a supplement.

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

Approved, April 9, 1867.

CHAPTER CCCLXXII.

An act to authorize the selection and location of certain grounds for a Public Park for the city of Newark.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That John H. Stephens, James L. Dickerson, Theodore P. Howell, John A. Boppe, Noah F. Blanchard, Thomas T. Kinney, Theodore Runyon, Francis Mackin, David Myers, John Rutherford, William H. Burnet, Thomas Sealy, William A. Baldwin, William Watte, George Peters, Daniel F. Tompkins, Daniel Dodd, John M. Phillips, Beach Vanderpool, Joseph P. Bradley, George A. Clark, Peter S. Duryee, William A. Righter, Cornelius Walsh, Nehemiah Perry and Edwin Hedden, or a majority of them as shall undertake the office of this commission, are hereby appointed commissioners to select and locate such grounds in the city of Newark, and adjacent thereto as may in their opinion be proper and desirable to be reserved and set apart for a public park for said city, and they shall report such selection and location to the common council of the said city on or before the first day of November next, and also to the next legislature upon the assembling thereof.

2. *And be it enacted*, That the said commissioners shall receive no compensation for their services under this act, but they are hereby authorized to procure maps and plans of the grounds so selected and located, and to employ surveyors for that purpose at an expense of not exceeding the sum of one thousand dollars; and the same shall be a charge upon the said city of Newark and shall be paid as other city charges.

3. *And be it enacted*, That the said commissioners shall make such selection and location in view of the present condition and future growth and wants of the said city; and the first meeting of the commissioners shall be held on the first Monday of May next, at twelve o'clock at noon, at the mayor's office, in the city hall in said city.

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

Approved, April 9, 1867.

CHAPTER CCCLXXIII.

An act to repeal the act entitled "A further supplement to an 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," which act was approved March thirteenth, eighteen hundred and sixty-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "a further supplement to an 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," which act was approved March thirteenth, eighteen hundred and sixty-two, be and the same is hereby repealed.

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

Approved April 9, 1867.

CHAPTER CCCLXXIV.

An act to incorporate The New Egypt and Manchester Turnpike Company.

Names of
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 New Egypt and Manchester Turnpike Company shall be opened by Richard H. Conover, Thomas W. Ivins, Andrew J. Allen, John S. Hulme, Elisha T. Shinn, Thomas B. Jobes, John Jones, George Forsyth, Charles W. Foulks, Ephraim P. Emson, Samuel S. Osborn, John S. Shultze and Richard B. Parker, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and at such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Ocean.

2. *And be it enacted*, That the capital stock of said company shall be four thousand dollars, with the liberty for the said company to increase the same to ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of the "New Egypt and Manchester Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Amount of
capital
stock.

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 two of them which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments, at such times and such places and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in 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 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 the stockholders shall upon request have the right to pay the stock subscribed, except the first instalment, by work or labor upon said road, under such regulations, at such time, and upon such notice, by either party, as the directors may determine.

Instalments

Proviso.

Proviso.

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

Time for
receiving
subscrip-
tions lim-
ited.

5. *And be it enacted*, That when one hundred shares of said

Election of
directors.

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, 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.

Election 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 a resident of the county of Ocean, 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; and 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.

Vacancies
how supplied.

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

they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or the United States. Proviso.

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.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, 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 had 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. Not to be dissolved by failure to elect.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, or any part thereof, from a point in the village of New Egypt, in the county of Ocean, to the village of Manchester, by way of Collier's Mills, in said county, which said turnpike road shall be constructed, on and along the public highway as far as Colliers', then such course as said company may deem expedient, except in those places where the said public highway is not straight, then and in those places the said company shall have power to construct the said turnpike road, where they may deem proper, and that the width of said May construct road.

Proviso.

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 lands over which the said highway, selected for constructing said turnpike road, now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner shall sustain by the taking of stone, gravel, or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Width of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, not less than eighteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to over-set, 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.

Proceed-
ings when
company
and owners
cannot
agree.

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

and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the 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 occupant or occupants if there be any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Ocean, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands and 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 Ocean, to remain on record

therein, and shall be recorded by the said clerk; which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation with interest and 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 thirty 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 or judge 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.

Gates may
be erected.

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

For every carriage, sleigh, or sled drawn by one beast, one cent;

Rates of toll

For every additional beast, one cent;

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

For every dozen of calves, sheep or hogs, one cent;

For every dozen of horses, mules or cattle, four cents;

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed

Proviso.

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 any funeral, or any person passing to or from his common business on his farm, or

any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called on duty by the laws of this state or the United States.

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

Mile-stones to be erected.

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 person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for defacing mile-stones or printed rates of toll.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder an traveler 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 cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered.

Penalty for delaying travellers.

18. *And be it enacted*, That all the drivers of the carriages,

Penalty for
obstructing
passage.

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

Proceed-
ing when
road and
bridges are
not kept in
repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Ocean, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a 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 the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, 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 said justices 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 the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpike to be shut,

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

20. *And be it enacted*, That if the said road is not commenced within five years, and completed within ten years from the passage of this act, then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Time for commencement and completion of road.

21. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a tollgate across the said road, and demand and receive toll for travelers thereon, agreeable to the foregoing rates. When toll may be received.

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

Approved April 9, 1867.

CHAPTER CCCLXXV

A supplement to "An act to incorporate the Trenton Lock Company," passed March the ninth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Trenton Lock Company be and they are hereby authorized to borrow, from time to time Authorized to borrow money.

time, any sum or sums of money, not exceeding twenty thousand dollars as the directors of said company may deem necessary to carry on the business of said corporation, and to secure the payment of the principal and interest thereof, by bond or mortgage, or otherwise, on the real estate, franchises and appurtenances of or belonging to said corporation.

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

Approved April 9, 1867.

CHAPTER CCCLXXVI.

A supplement to an act entitled "An act to incorporate the Elizabethtown Savings Institution."

May make
contracts
for the pay-
ment of
taxes.

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 "The Elizabethtown Savings Institution," and the borrowers or lenders of any money secured by mortgage or other security, upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes, which may be assessed upon the money so lent, or to be loaned and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state, to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state, to the contrary notwithstanding.

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

Approved April 9, 1867.

CHAPTER CCCLXXVII.

A further supplement to an act entitled "An act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the town of Morristown, whenever in their opinion the public good requires it, by ordinance;

I. To order and cause any street, road, highway or alley already laid out to be straightened, altered or widened; and ^{Streets.} to take and appropriate for such purposes any lands, upon making compensation to the owners thereof, as is hereinafter mentioned and provided.

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

2. *And be it enacted*, That no ordinance shall be introduced or presented to the common council for making any improvement or performing any work, under and by virtue of the provisions of the first section of this act, or either of the subdivisions thereof, until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the street commissioners, by direction of the common council, to give notice in two newspapers printed and published in Morristown, by publication in each of said newspapers for at least three weeks successively, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement and requesting such persons as may object thereto to present their objections in writing at the street commissioner's office, on or before the expiration of thirty days from the first publication of such notice, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid. ^{Notice to be made of improvements intended}

3. *And be it enacted*, That whenever the common council of Morristown shall determine, by ordinance, to alter, widen

Proceed-
ings when
streets are
to be alter-
ed or
widened.

or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance; they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town of Morristown, and such compensation shall form a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of this act.

Proceed-
ings when
agreement
cannot be
made.

4. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council of Morristown, to appoint five disinterested freeholders of the said town commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid such lands and real estate; and in estimating and assessing such damages the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if in any case the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate, which are necessary to be taken and appropriated for such 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 this act.

Commis-
sioners to
make oath
or affirma-
tion.

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

Certificate
of estimate
and assess-
ment to be
filed with
town clerk.

6. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in two newspapers printed and published in Morristown, of the time and place of their first meeting, at least ten days before the time of said

meeting, and the said commissioners or a majority of them, when met, shall have power to examine witnesses under oath or affirmation to be administered by any one of said commissioners, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment and file the same with the town clerk, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons, conceiving him-^{Proviso.}self herself or themselves aggrieved by the proceedings of the said common council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within sixty days from the time of making the final order of the common council, and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

7. *And be it enacted*, That in case of nonpayment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto, may sue for and recover the same from ^{Proceedings in case of non-payment of damages.} "The mayor, recorder, aldermen and common councilmen of Morristown," in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

8. *And be it enacted*, That the town treasurer shall under the direction of the common council, tender and pay to the owner of such lands and real estate, if resident in the said town, the amount of such estimate and assessment of damages due to him, her or them; but if any such owner is not resident in the town, or upon due inquiry cannot be found therein, or is a lunatic, or idiot or under age, or if for any other lawful cause, he or she 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 town treasurer shall make affidavit of such facts, and file the same with the town clerk; and the common council shall after ^{Tender of payment of damages to be made.}

inquiry into the facts of the case, direct the amount of such assessment to be placed in the town treasury, for the use of the person or persons to whom it may be due; and the said moneys so placed in the town treasury, shall be paid by the town to the person or persons entitled thereto, on demand, without interest, except from such time as the demand may be made and payment refused.

Damages and expenses to be assessed on owners of real estate benefited.

9. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of altering, widening or straightening any street, road, highway or alley within the said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; 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 town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the town of Morristown.

Commissioners to make assessments.

10. *And be it enacted*, That the common council shall appoint five disinterested freeholders of said town, commissioners to make any such assessment, unless in the acts or proceedings of the said common council taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work, as authorized in this act, in which case the same commissioners appointed as aforesaid, shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work in the manner herein required.

Assessments to be impartial.

11. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation, before the

town clerk or the mayor of the said town, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

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

Report of
commis-
sioners.

13. *And be it enacted*, That every certificate of assessment made as aforesaid, and presented to the common council, shall be referred by them to the proper committee for consideration; and in case of any objections in writing being returned with such report, the said committee shall publish a notice, in two newspapers printed and published in the town of Morristown, which notice shall be published for two weeks successively, to the parties interested, of the time and place, when and where they will meet, to hear them on the objections and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Proceed-
ings in case
of objection
to report.

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

Certificates
ratified by
common
council to
be final and
conclusive.

15. *And be it enacted*, That in case of the resignation, death or disability of one or more of the commissioners appointed

Vacancies
how sup-
plied.

under the provisions of this act, it shall be lawful for the common council to supply, by appointment, the vacancy or vacancies caused by such death, resignation or disability.

Abstract of
assessment
to be made
by treas-
urer

16. *And be it enacted*, That whenever any certificate of assessment as aforesaid, shall be ratified by the common council, such certificate shall be delivered to the town treasurer, and on receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment, and enter the same in a book to be kept for that purpose, and shall give notice in two newspapers printed and published in the town of Morristown, which notice shall be published for two weeks successively, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate, assessed in such certificate, to pay the amount to him at his office within sixty days from the first publication of the notice.

Proceed-
ings in case
of non-pay-
ment of as-
sessment.

17. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate shall not be paid within the time appointed in the said notice, the common council of the said town may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction in the name of "The Mayor, Recorder, Alderman, and Common Council of Morristown," against the owner or owners of such lot, tract or parcel of land and real estate for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and either party from any judgment rendered therein may have the same remedy by appeal or otherwise, as if said parties were private individuals; or may order and direct the town treasurer to collect such assessment by public sale at auction of the lands and real estate whereon such assessment has been imposed or may be a lien.

Collector of
assess-
ments.

18. *And be it enacted*, That when the common council shall order and direct the town treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, the treasurer shall prepare a transcript of such assessment, including in such transcript a brief description of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, road or avenue on which such lot, tract or parcel of land and real estate fronts, on which side thereof and near or between what streets it may lie,

and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript, he shall cause a notice to be published in two newspapers printed and published in Morristown, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

19. *And be it enacted*, That after the expiration of the said twenty days, it shall be the duty of the said treasurer to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whenever said taxes or assessments have been imposed or may be a lien; and public notice of the time and place of the sale of any lands and real estate under the provisions of this act, shall be given by advertisement signed by the town treasurer, and published in two newspapers printed and published in Morristown, for the space of six weeks, at least once in each week, before the time appointed for such sale.

20. *And be it enacted*, That if any such tax or assessment remain unpaid on the day specified in such notice, the town treasurer shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which such assessment shall have been imposed, or may be a lien for the lowest term of years, but in no case exceeding twenty years, for which any person will take the same and pay the amount of such assessment, with the interest, and all costs, fees, charges and expenses; such payment shall be made the conclusion of the sale; and if not so made, the treasurer may resell the property, or the town may have its action against the purchaser for the payment of interest, at the rate of fifteen per centum per annum.

21. *And be it enacted*, That the owner, mortgagee, occupant or any person or persons having a legal or equitable interest in any lands or real estate sold as aforesaid, for any assessment under the provisions of this act, may redeem the same at any time within three years from the time of such sale by paying to the town treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money; upon the receipt of such moneys by the town treasurer he shall cause the same to be refunded to the purchaser, his heirs or

Duty of treasurer in regard to assessments.

Treasurer to make public sale of real estate for unpaid assessments, &c.

Redemption of real estate sold.

assigns, and all proceedings in relation to said sale shall cease and determine.

Taxes.

22. *And be it enacted*, That the taxes which shall hereafter be assessed in said town shall be assessed upon the property and estate, both real and personal, in said town, that shall belong to non-residents, in the same way as upon the property of the inhabitants of said town; and that in addition to the amount of taxes directed at any time to be raised, there may also, at the discretion of the common council, be raised and assessed by tax for the purpose of covering deficiencies and expenses, any additional sum not to exceed fifteen per centum of the amount of taxes directed to be raised.

Duty of township collector.

23. *And be it enacted*, That it shall be the duty of the collector of the township of Morris, on or before the first day of January in each and every year, to pay over to the treasurer of Morristown sixty-six per centum of the taxes for the maintenance, working and repair of roads, as shall have been received by the said township and collected up to that time; and all such moneys uncollected on the first day of January in each year, that shall afterwards be collected, shall be paid over to the town treasurer in the same proportion, so soon as collected; which money, so paid to the town treasurer or so much of it as may be deemed necessary shall be expended upon the streets in the town, under such regulations and ordinances as the common council have adopted or may from time to time adopt.

Burials.

24. *And be it enacted*, That the common council shall have power to make such regulations and restrictions regarding burials of the dead within the limits of Morristown, as they shall deem proper; *provided*, that nothing contained in this section shall apply to burials in the Evergreen Cemetery.

Proviso.

Repealer.

25. *And be it enacted*, That section thirteen of the act to which this is a supplement, and all other parts of said act and of previous supplements thereto inconsistent with this act be, and they are hereby repealed.

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

Approved April 9, 1867.

CHAPTER CCCLXXVIII.

An act to authorize and encourage the Improvement of Property in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any number of persons, not less than five, to associate themselves into a company for the purpose of owning and improving real estate, and erecting buildings and other structures thereon, within this state, upon making a certificate in writing under their hands and seals, setting forth

Certificates
of incor-
poration

I. The corporate name which they propose to assume ;

II. The names of the places in which the said real estate is situated ;

III. The total amount of the capital stock of said company, which shall be divided into shares of fifty dollars each ;

IV. The names and residences of the stockholders, and the number of shares held by each ;
which certificate shall be proved and acknowledged, and recorded in a book to be kept for that purpose in the office of the clerk of the county or counties in which said real estate be situated, and after being so recorded shall be deposited and filed in the office of the secretary of state, and a copy thereof, duly certified by such secretary, shall be evidence for or against such company ; and upon the making and filing of said certificate, such company shall be deemed and taken to be a corporation in fact and in law.

2. *And be it enacted*, That the business of such company shall be managed by a board of one president and four directors, a majority of whom shall be residents of this state. That as soon as the capital stock shall have been subscribed, the stockholders or a majority of them, shall, at such time as they shall agree upon, proceed to choose five directors, who shall choose one of their number president, and shall hold their office for one year, and until others are duly chosen, and thereafter the said directors and president shall be chosen in such manner and at such time as the by-laws may direct.

Election of
directors.

3. *And be it enacted*, That the capital stock of every such company shall be paid in at such times, upon such not-

Installments

ice, and in such manner and instalments as the directors of said company by their by-laws or otherwise may direct, that such payment shall be made either in money or in land, situated in places named in the said certificate, the land to be appraised by the board of directors, and that in case of failure of any stockholder to pay his or her instalment at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon for the use of said company.

Stock trans-
ferable.

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

Convey-
ances.

5. *And be it enacted*, That as soon as any such company shall be organized, it shall be authorized to receive conveyances for the lands which it is intended to purchase, and to hold and execute all instruments and conveyances necessary in the purchase and sale of such property.

Improve-
ments.

6. *And be it enacted*, That the said company are authorized to improve all and every portion of such lands held or purchased by them as aforesaid, by erecting, building and laying out said lands into lots, streets, squares, docks, lanes, alleys or other divisions, and by leveling, grading, raising or tunneling the said land, streets, lanes and alleys, and may build, enlarge, improve all and any structures which they may deem necessary for the purposes of their organization.

May borrow
money.

7. *And be it enacted*, That if the capital of such company shall not be sufficient to buy the land and build and improve the same as hereinbefore provided; it shall be lawful for any such company to borrow money at any rate of interest not exceeding seven per centum per annum for such purposes, and to mortgage their entire property therefor; *provided*, that the mortgage shall at no time exceed the capital paid in of said company.

Proviso.

Restric-
tions and
liabilities.

8. *And be it enacted*, That every corporation organized under this act shall be invested with all the powers, and be subject to all the restrictions conferred or imposed by general laws of this state respecting incorporated companies, so far as the same are applicable.

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

Approved, April 9, 1867.

CHAPTER CCCLXXIX.

A supplement to an act entitled "An act to incorporate the Bricksburg Land and Improvement Company," approved February twenty-first, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall have power and authority at any time after the passage of this act, from time to time, to erect water powers on Meteteconk river, or any of its branches, on lands belonging to said company, in Ocean county, New Jersey, by constructing dams, embankments, reservoirs, aqueducts, culverts, locks, weirs, gateways, raceways and bridges and such other works as the directors of the said company may deem necessary and convenient for the uses and purposes of mills and various branches of manufacturing; and for the better carrying on and management thereof, to repair and improve the same, and for the successful construction and operating of said water powers, it shall be lawful for said company to enter upon and take possession of all and singular such lands lying within and without the bounds of the said the Bricksburg Land and Improvement Company's land, which the said directors may judge necessary for the extension of said dams and for embankments, reservoirs, aqueducts, culverts, locks, weirs, gateways, raceways and bridges and for overflowing and submerging, and for all the purposes contemplated in this act, doing no unnecessary damage and subject to such compensation to be made therefor as is hereinafter directed.

2. *And be it enacted*, That if the said company or their agents cannot agree with the owner or owners of such required lands 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, then one of the justices of the supreme court of this state, or one of the judges of the court of common pleas in and for the

May erect
a water
power.

Proceed-
ings when
company
and owners
cannot
agree.

county of Ocean, shall on application of either party, nominate and appoint three disinterested persons to examine such lands and estimate the value thereof or damage sustained thereby, and who shall at the same time take into consideration all the benefits which the said owner or owners may derive from, or in consideration of said water powers or improvements, and who shall after at least ten days' notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon and deliver the same to the court at the next session thereof, which shall be held in the said county; and whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner or owners, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required or for the damages sustained as the case may be; and thereupon the said company shall become seized in fee of such lands so required, and shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

Company
may make
convey-
ances.

3. *And be it enacted*, That it may and shall be lawful for the said company to dispose of, grant and sell all such portion, lots, sites and privileges acquired by them under this act, and to convey the same or any part thereof by deeds acknowledged and recorded, or otherwise to demise, lease and let the same for such term or time and upon such conditions as they shall from time to time think proper and expedient; and that the said company be authorized to take mortgages or other securities for any sum or sums of money that may be due or unpaid on account of such sale, uses or rents.

May borrow
money and
issue bonds

4. *And be it enacted*, That the said company shall have power, from time to time, to borrow money and to make and deliver the bonds or obligations of the company therefor, at a rate not exceeding seven per centum per annum, the principal and interest payable at such times and places as the company may direct, the total amount of the bonds shall not exceed one-half the capital stock paid in at the time of the issue, and may secure the same by a mortgage or mortgages of the company upon any or all of their property, real or personal, and upon the chartered or other

rights of the company; it shall also be lawful for said company to make a portion of said bonds convertible into stock of the company to an amount not to exceed two hundred thousand dollars, at such times and on such terms as shall be specified therein; and it shall not be lawful for said company to plead any statute against usury in any suit brought to enforce any or all of said bonds.

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

Approved, April 9, 1867.

CHAPTER CCLXXX.

An act to incorporate the City of Plainfield.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Plainfield, in the county of Union, beginning at a point in the centre of Greenbrook, and in the middle of the road leading from the main road to the residence of Andrew A. Cadmus (being also the boundary line between the counties of Union and Somerset); thence running in a northeasterly direction, and with middle of said brook, to a point in the middle of Greenbrook, and in line of lands of John T. Johnston and Benjamin M. Leland (formerly the property of Mary Pound); thence running in a southerly direction to a point in the centre of Peace street, and in line of lands belonging to Evan Jones and A. H. Wheeler; thence running in a southwesterly course to the residence of Manning Stelle; from thence in a westerly direction to the residence of William E. Quimby; from thence in a northwesterly course and in a straight line to the place of beginning, are hereby incorporated into a city, to be called the city of Plainfield. Boundaries

2. *And be it enacted*, That for the better order and government of the said city of Plainfield, there shall be elected hereafter in said city one mayor, who shall be keeper of the city seal, and hold his office for two years; and at the first election of city officers six common councilmen (two of whom shall hold their offices for one year, two for two years, and two for three years), and at the first meeting of the common council after said election it shall be determined by City officers

lot which of the members thereof shall hold their office for one year, which for two, and which for three years; and annually thereafter there shall be elected two persons as members of said council, who shall hold their office, respectively, for three years, which mayor and common councilmen shall be one body politic and corporate in deed, fact, name and law by the name, style and title of the "Mayor and Common Council of the city of Plainfield."

Annual
elections
for city
officers.

3. *And be it enacted*, That the city election shall be held by ballot on the first Monday in May, eighteen hundred and sixty-seven, and on the first Monday in April in every succeeding year thereafter, subject to the registry law, at such place in said city as the common council shall appoint, of which places the said common council shall cause notices to be published in one or more newspapers printed and circulating in the said city, and by notices, either printed or written, signed by the clerk of the said city, and set up in three of the most public places in said city, at least two weeks before the day of election, (and in default of such notice the election shall be held at the place where the last general election was held) at which election one mayor, six councilmen, one city recorder or clerk, one marshal, one city treasurer, three commissioners of appeals and one city solicitor shall be chosen and elected in said city from among the citizens residing therein and entitled to vote at such election, and annually thereafter on the first Monday in April of each year, and the common council who shall be elected as hereinbefore provided, but no person shall be elected or serve as mayor or common councilman of said city unless he shall have resided in said city at least one year immediately preceding said election.

Mayor and
common
council.

4. *And be it enacted*, That the mayor and common councilmen of said city, shall constitute the common council thereof, and shall hold an annual meeting therein on the fourth Tuesday of April, yearly and every year, and such other meetings as they shall by ordinance direct and appoint; the mayor shall preside at said meeting and shall have a vote only in cases where there is a tie, and if the mayor be absent at any meeting, then the councilmen shall appoint one of their number to preside pro tempore, and when met said common council shall have power to make and adopt such rules and by-laws for their own government as they may think proper, and to pass all such ordinances, by-laws and regulations, and in general to do and perform all such other

acts and things as provided for and warranted by this act, and that four members shall constitute a quorum of said council, and it shall be the duty of the mayor when necessary to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notices, and in all cases of special meetings, notice shall be given to all the members of the said board of common council in person or left at their place of residence.

5. *And be it enacted*, That at all elections under this act, the same qualifications shall be required to entitle persons to vote, as are or may be required at the township elections in this state, and the name of each elector voting at such election shall be written on the poll list by the city clerk, and after the poll shall be closed, the election board shall count the votes given for the several candidates and certify the result under their hands and seals, and deliver such certificate to the clerk of the said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected for the offices for which they shall be voted for respectively, and shall hold their offices for one year and until others are elected in their stead and sworn into office, excepting the mayor and common council as hereinbefore provided for.

6. *And be it enacted*, That in case a vacancy shall occur in any of the offices mentioned in the preceding section by refusal to serve, by death, or for any other cause whatever, it shall and may be lawful for the common council to fill said vacancies until the next annual election, and the person or persons appointed to fill such vacancies shall be entitled to the like compensation, and be subject to the same responsibilities and penalties as if elected at the annual election as aforesaid.

7. *And be it enacted*, That all officers elected under this act shall, before they enter upon the execution of their several offices, take and subscribe an oath or affirmation before the common council of said city, any one of whom are hereby authorized to administer the same, faithfully and impartially to perform their several duties according to the best of their abilities and understanding, and that a like oath or affirmation be taken by the mayor and councilmen first elected under this act, before any justice of the peace or

Qualifications of voters.

Vacancies how filled.

Officer to make oath or affirmation.

judge, within six days after such election; such oath or affirmation in all cases to be filed by the city clerk.

Ordinances
respecting
streets, &c.

Proviso:

8. *And be it enacted*, That it shall and may be lawful for the common council of said city, or a quorum thereof in council convened, to pass all ordinances for laying out, opening, regulating, leveling, grading, paving, flagging, graveling, improving, cleaning and repairing the streets, sidewalks and alleys therein, for regulating the planting and protecting of shade trees, and for compelling the owners and occupants of lots to grade, curb and pave the sidewalks in front thereof, not less than four nor more than six feet wide; *provided*, that no owner or occupant of property shall be compelled to curb and pave more than forty feet in length on any one lot in any one year, and to keep their pavements and gutter clean and free from snow, ice and other impediments, for preventing persons from riding, driving, or passing over and upon the sidewalks, except when necessary to cross the same, with horses, wagons, carts, or carriages of any description, for ascertaining and establishing the boundaries of all streets and alleys of said city, and preventing and removing all encroachments in and upon said streets and alleys, for preventing or regulating the running at large of cattle, horses, goats, geese, dogs and swine, for imposing a reasonable tax on the owners or possessors of dogs, for preventing the immoderate riding or driving through or in any street or alley of said city, for abating or removing any nuisance in any street or on any lot or lots or enclosure, or other place in said city, and for the purpose of this act the territory within the limits of said city shall be considered one road district; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing or restraining riots, routs, disturbances or disorderly assemblages in any street, alley, house or place in the said city; for regulating, protecting, improving and reclaiming the public grounds or walks therein, and sinking and regulating pumps, wells and cisterns in the streets thereof for the extinguishing of fires; for the maintenance of fire engines and hose companies, and for the prevention and suppression of fires, for compelling the cleaning of chimneys, for appointing of watchmen, constables and additional police, and prescribing their powers and duties; for regulating the vending of meats, fish, vegetables; for regulating butchers, hawkers and pedlars and petty chapmen,

within said city; for restraining vagrants, mendicants and street beggars, for erecting and maintaining a city hall, with such other public buildings as may be necessary in said city; for the more effectual suppression of vice and immorality, for preserving peace and good order, for suppressing and restraining disorderly and gaming houses, for prescribing and defining the duties of the several officers elected therein, and such other by-laws and ordinances for the peace, good order and prosperity of said city, as they may deem expedient, not repugnant to the constitution and laws of this state, or of the United States, and to enforce the observance of all such laws by enacting penalties for the violation thereof; either by imprisonment in the county jail not exceeding seven days, or by fine not exceeding twenty dollars, recoverable with costs in an action of debt, in the name of the treasurer of said city, before any justice of the peace or the mayor of said city, for the use of the incorporation thereof; *and further*, it shall be lawful for any justice of the peace or the mayor of said city, before whom judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment under their hand and seal, directed to the keeper of the county prison; *provided always*, each and every ordinance so passed shall be published in five of the most public places in said city, and also twice in one or more newspapers published in said city, by the mayor thereof for twenty days before said ordinances shall go into effect; *and provided also*, that no ordinance or by-law shall be enacted or passed by said common council, unless the same shall have been introduced before the said common council at a previous meeting. Proviso.

9. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax from year to year such sum or sums of money as may be necessary for carrying into effect the laws and ordinances from time to time enacted by them, and for defraying all other necessary expenses of said city, and from time to time to borrow money on the faith and in the name of said city on bond, note, or other sufficient security; *provided*, that the sum so borrowed shall never amount in all to more than five thousand dollars, nor be made payable at a later period than sixty days after the taxes for the current year are due and collected; *and it is further provided*, that all lands within the limits of said city, held as farm lands, and not for building purposes, shall be valued and taxed as farm lands in the Taxes.

Proviso.

Proviso.

same manner as they are now taxed for township purposes nor shall the owners and occupants thereof be required to curb and pave in front thereof, unless the same shall consist of a lot lying between other lots used for building purposes.

Mayor to be
ex officio
justice of
the peace.

10. *And be it enacted*, That the mayor of said city, for the time being, shall have all the powers and authority of a justice of the peace of the state of New Jersey, he shall take cognizance of all fines, forfeitures and penalties to be laid by the laws or ordinances of the common council of said city, he shall have power to arrest or cause to be arrested, without process or warrant, any or all persons who may be found or charged with violating the public peace or disturbing the public tranquility, or for a breach of any of the ordinances thereof; he shall have power to impose fines or penalties upon all persons so offending, and to cause them to be imprisoned in the county jail, and shall be during the time for which he is elected vested with all the powers and functions, and be bound by the same rules in criminal cases as justices of the peace, and all officers and persons shall respect him as such; he shall have authority to take acknowledgment and proof of deeds, and it shall be his duty to see that all ordinances enacted by the common council of said city be duly published and enforced, and that no shows or exhibitions of any kind whatever shall be allowed in said city without his express consent and license being first obtained in writing.

Duty of
assessor.

11. *And be it enacted*, That the assessor of said city shall assess upon the persons and property of residents, and upon the property of non-residents therein, all taxes authorized hereby; and the city treasurer shall collect all such taxes as may be ordered by the common council to be levied, assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the county tax within their respective townships and pay over the same to the city treasurer; and the said assessor shall annually, between the twentieth day of April and the twentieth day of August, make the assessment required of him and return his duplicate to the city collector not later than the twentieth of September following.

Treasurer,
collector
and mar-
shall to ex-
ecute bonds

12. *And be it enacted*, That the treasurer of said city and the collector and marshal elected or appointed as aforesaid, before they enter upon the execution or duties of their re-

spective offices, or be qualified to serve, shall repair to the common council and enter into bonds with such freehold securities as the said council may approve, conditioned for the faithful performance of the duties of their respective offices, which said bonds, after the approval of the said common council shall be endorsed thereon, shall be delivered to the city clerk, who is hereby directed and required to file the same in his office, and may be sued and prosecuted as the bonds of the like officers in this state are or may be sued and prosecuted.

13. *And be it enacted*, That the marshal, police and members of the common council of the said city shall have the power, and it shall be their duty, to arrest and take into custody without warrant any offender against the laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said council until a hearing can be had by and to bring such offenders immediately before the mayor or a justice of the peace, who is hereby empowered to take cognizance of such offences; and that the said marshal or other officer shall have all powers of any constable of said county, and shall be entitled to receive the same fees as constables in all cases where constables are allowed to receive fees. Police powers conferred.

14. *And be it enacted*, That the jailor of the county of Union for the time being shall receive and safely keep all such offenders as shall be committed to the jail of said county by the mayor of said city, as aforesaid, for the term of his, her or their imprisonment as expressed in the warrant of commitment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Union. Duty of county jailor.

15. *And be it enacted*, That the said mayor and common council, or a majority thereof, in council convened, shall have the sole, only and exclusive right and power of granting license under the common seal of said city, to all and every inn keeper and retailer of spirituous liquors residing in said city, in the like manner and on the same conditions as may now be done by the courts of common pleas in this state, except only that they may grant such license for any term not exceeding one year, as they may deem best, and they shall also have the sole, only and exclusive right and power of licensing such and so many keepers of oyster houses and cellars and places for the sale of fermented liquors within said city, upon such terms and conditions, and Licenses.

subject to such regulations as they may deem most conducive to the public good thereof, and the amount of license fees levied and assessed shall be paid to the treasurer for the use of the city.

Lamp and
watch.

16. *And be it enacted*, That the common council shall establish certain limits in said [city] to be called lamp, police and watch districts, taxes, for lighting streets, and supporting a night watch and police shall be assessed upon the real and personal property within such districts, and shall be assessed separately from all other taxes.

Compensa-
tion of may-
or and city
clerk.

17. *And be it enacted*, That the mayor of the said city of Plainfield shall receive such compensation for the performance of his official duties other than the fees which appertain to his office as a justice of the peace, and a commissioner for taking the acknowledgment and proof of deeds, not exceeding three hundred dollars per annum, as in the judgment of the common council may be right; the members of common council shall not be paid any compensation whatever for the performance of their official duties; the city clerk shall be paid a salary not exceeding two hundred dollars.

Duty of
treasurer.

18. *And be it enacted*, That it shall be the duty of the city treasurer, once at least in each year, and as much oftener as the mayor and common council shall require, to make a statement of all moneys received and paid out by him, showing the source from whence received and to what applied, the amount of the indebtedness of the city, and the balance of funds in his hand, which, when approved by the common council, shall be filed in the office of the city clerk, at least twenty days before the next annual election for city officers, and the city council shall cause the same to be published for two weeks in one or more newspapers published in said city, or to be set up in five of the most public places in said city, at least two weeks previous to the said election, and the treasurer shall be allowed for making out such statement six cents per folio, of one hundred words.

Commis-
sioners of
appeal.

19. *And be it enacted*, That the commissioners of appeal in cases of taxation, shall convene annually on the third Tuesday of November, to hear and determine all appeals, and they shall sit from two P. M. to five P. M., and longer if found necessary to dispose of all cases submitted to them for consideration.

Duty of
collector.

20. *And be it enacted*, That the collector of taxes shall at least one week before the day of appeal in cases of taxation

demand of all persons taxed, the amount of their tax by notice to them personally given if to be found in the city or left at their residence if within the city, and in case of non-payment of any taxes by the twentieth day of December, the collector shall make a list of the names of delinquents with the sums due from each and deliver the same to the mayor or a resident justice of the peace.

21. *And be it enacted*, That it shall be the duty of said mayor or justice of the peace, on the receipt of the list of delinquents as aforesaid, to administer an oath or affirmation to the said collector, that the moneys on said list had been duly demanded in the manner hereinbefore directed, and thereupon to give to said collector a receipt for such list, certifying therein the names of such delinquents, and the sum due from each respectively, and it shall be the duty of the mayor or justice within five days after the receipt of said list, to deliver to said collector of said city a warrant or warrants, requiring him to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey, relative to the collection of taxes, and the said collector shall, on the collection thereof, be governed by the laws of this state regulating the same in the several townships thereof; *provided always*, that the said collector shall not be entitled to charge fees on account of any name mentioned in said warrant, unless the tax due from said delinquent be actually collected. Delinquents.
Proviso.

22. *And be it enacted*, That the city clerk shall keep, file, and when necessary, record all official papers belonging to the same, he shall attend all the meetings of the common council, and keep accurate minutes of the proceedings thereof, he shall give lawful notice of such meetings, and of all annual and special elections, he shall record in a book to be provided for that purpose, all ordinances passed by the council and duly certify the same, and shall perform such other duties as the said common council may from time to time prescribe. Duties of
city clerk.

23. *And be it enacted*, That the judges and clerks of election, assessor and collector of taxes shall respectively possess the powers and perform the duties, be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officers of the several townships of the state, as far as such powers and duties shall be consistent with this act, and in case of absence, death, incompetency or refusal to serve of any of the said officers of election, such vacancy Duties of
assessor
and collector
of taxes.

or vacancies shall be supplied by the common council of said city, and the clerk of said city shall procure ballot boxes for the use of said city, of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties for the failure to procure such boxes or to keep the same in repair.

Witnesses
and jurors.

24. *And be it enacted*, That in the trial of any issue, or in the judicial investigation of any case, to which issue and investigation the mayor and common council of said city are a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant or freeholder in said city; and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue and to give this act and the special matter in evidence at the trial.

Board of
education.

25. *And be it enacted*, That the trustees of district number one of Plainfield, shall be the board of education of the city of Plainfield, and they shall have supervision and control of all matters relating to education for said city; it shall be their duty to appoint a suitable person as city superintendent of schools, who shall perform the duties of clerk of the board and city superintendent, as specified in the act to establish public schools; it shall be the duty of the city treasurer to have charge of all moneys belonging to the board of education, and shall pay all the orders of the city superintendent countersigned by the president of the board of education.

Mayor and
councilmen
to make
oath.

26. *And be it enacted*, That the mayor and members of the common council to be elected by virtue of this act, shall take the oath or affirmation prescribed within five days next after election.

Election of
township
and county
officers not
to be affect-
ed by this
act.
Provide.

27. *And be it enacted*, That this act shall in no way conflict with the election for township and county officers for the township of Plainfield, but such election shall be held in the same manner as now provided by the state law for holding town elections; *provided*, that that part of the township of Plainfield outside of boundaries herein described shall pay no part of the expense incurred by the city government, and the township overseers of the highways shall have no jurisdiction within the limits of said city.

Act when to
go into
effect

28. *And be it enacted*, That this act shall not go into effect until the electors of the district of territory embraced within the limits of said city of Plainfield as hereinbefore set

forth, at a meeting thereof, called for the purpose of approving or rejecting the same, shall by a vote of a majority of the electors present, and voting by ballot, determine to adopt the same; such meeting shall be called by the township clerk of Plainfield, to be held under the direction of the officers of the last township election and at the same place and during the same hours of the day, of which time and place the township clerk aforesaid shall give at least eight days' previous notice by advertising it in the newspaper published in Plainfield and posting it in five conspicuous places in the proposed city; and the electors entitled to vote for township and state officers who are in favor of this act shall each deposit a ballot with the words "city charter" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "no city charter" written or printed thereon, and a canvass and return of the votes shall be made by the inspectors of registry and election.

29. *And be it enacted*, That this act shall be deemed and taken to be a public act, and may at any time be amended, altered or repealed by the legislature of this state, and shall take effect according to its tenor and provisions on and from the date of its adoption by the inhabitants of the proposed city aforesaid. Public act.

Approved, April 9, 1867.

CHAPTER CCCLXXXI.

A supplement to the act entitled "An act to incorporate the Dime Savings Institution of Elizabeth."

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 Dime Savings Institution, and the borrowers or lenders of any money secured by mortgage on real estate, to enter into a contract or agreement whereby the borrower residing in the county of Union shall pay any part or all of national, state, county or city taxes, which may be assessed upon the money so lent or to be loaned and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage and other security shall May make contracts or agreements for payment of tax, as assessed on money loaned.

be held, deemed or taken in any court of this state to be usurious or invalidated by reasons of any such contracts or agreements, anything in any existing law of this state, to the contrary notwithstanding.

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

Approved April 9, 1867.

CHAPTER CCCLXXXII.

An act to incorporate the Linden School House Association.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Meeker Wood, Sanford J. Stimson, Walther Luttgen, Ralph J. Vanderwort, Charles H. Brake, David C. Stiles, Ferd. F. Blancke, Maximilian O. Luttgen, their associates and successors, are hereby constituted a body corporate under the name of "The Linden School House Association," to be located in Linden township, county of Union, having for its object the establishment, maintenance and care of a school for the education of the children of its members and others, with power to take and hold by grant, purchase and devise, real and personal property to an amount not exceeding twenty-five thousand dollars, for the purpose of the association, and to sell, convey, lease and mortgage the same, or any part thereof.

Officers.

2. *And be it enacted*, That the property, affairs, business and concerns of the corporation hereby created, shall be managed by a president, vice-president, secretary and treasurer, and a board of four trustees with such auxiliary committees as exigencies may from time to time require, and who shall constitute a board of managers, to be elected for such a time as may be provided for in the by-laws, and the present officers and managers of the said association as now constituted, shall be the officers and managers of the said corporation, until their present term of office shall expire and until others shall be elected in their place.

May make
rules.

3. *And be it enacted*, That the said corporation shall have power to prescribe rules and orders for its general government, for the election, time of office, number and duties of

its officers, and for the direction and management of its affairs.

4. *And be it enacted*, That the said Meeker Wood, Sanford J. Stimson, Walther Luttgen, Ralph J. Vanderwort, Charles H. Brake, David C. Stiles, Ferdinand F. Blancke, Maximilian O. Luttgen, named in the first section of this act, shall be the first board of managers of the corporation hereby created. First managers.

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

Approved, April 9, 1867.

CHAPTER CCLXXXIII.

A supplement to an act entitled "An act to authorize the town of Hackettstown to raise money to pay volunteers," approved March fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the personal tax imposed by the third section of the act to which this is a supplement, instead of five dollars upon every taxable inhabitant, shall hereafter be three dollars upon every male taxable inhabitant in said town, which shall be assessed subject to the provisions of the act exempting soldiers from poll tax for the payment of bounties, approved April fifth, eighteen hundred and sixty-six. Poll tax.

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

Approved April 9, 1867.

CHAPTER CCCLXXXIV.

An act to incorporate the Tinton Falls Mineral Spring Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Frederick W. Downer, E. Boudinot Colt, Francis Corlies, Henry M. Alexander, E. W. Scriven and Arthur Wilson, and their associates and successors, be, and they are hereby made a body corporate, in fact and in law, by the name of the Tinton Falls Mineral Spring Company, and by that name shall have power to lease, purchase, hold, mortgage and sell real estate in the township of Shrewsbury, in the county of Monmouth, and to erect buildings thereon, and to improve such mineral springs as may be found in said county, and to vend and ship the waters of said spring as may to them seem meet and proper for the accommodation of the public, and to do and perform all such business as in anywise appertains to the rights herein granted, such as erecting buildings, leasing the same, and borrowing money for the purposes aforesaid.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock shall be fifty thousand dollars, divided into shares of fifty dollars each, which shares shall be transferable in such manner as the by-laws may direct, and each share shall entitle the holder thereof to one vote at all meetings of the stockholders, which may be given either in person or by proxy; and it shall be lawful to purchase lands and springs for the said capital stock, which stock, when so paid, shall be full paid stock.

First
directors.

3. *And be it enacted*, That the persons named in the first section shall be the directors of this company until others are elected in their place.

Time for
holding
annual
election

4. *And be it enacted*, That after the present year an election for six directors shall be held on the first Tuesday in July in each and every year.

Limitation.

5. *And be it enacted*, That this act shall be in force for a period of thirty years, and shall take effect immediately, but the legislature may at any time alter or repeal the same; and said corporation shall possess the general powers and be subject to the restrictions contained in the act en-

titled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, as far as the same is applicable.

Approved, April 9, 1867.

CHAPTER CCLXXXV.

A further supplement to an act entitled "An act to incorporate the city of Bridgeton."

WHEREAS, there are several streets, roads and highways within the limits of the city of Bridgeton, courses and lines of which cannot be certainly ascertained, by reasons of indefinite surveys, and plots and maps thereof; *and whereas*, for the better ascertaining and settling the said courses and lines, the common council of said city hath heretofore appointed Ephraim E. Sheppard, Jonathan Elmer and Charles D. Burroughs, as commissioners to run, mark and designate the courses and lines of the streets or highways in the first ward, and Joseph W. Woodruff, Martin Bowen and Isaac B. Dare, commissioners to run, mark and designate the courses and lines of the streets and highways of the second ward, and Benjamin Keen, James M. Riley, and Benjamin F. Ware, commissioners to run, mark and designate the courses and lines of the streets and highways in the third ward; *and whereas*, the said commissioners of the respective wards have made a full report in writing, of their proceedings, by virtue of said appointment, and have filed the said report in the clerk's office of the county of Cumberland, in which they have surveyed, laid and marked out the courses, distances and lines of the several streets and highways of the said city of Bridgeton; *and whereas*, doubts have been suggested whether further legislation is not necessary in order to constitute the streets and highways as thus established and marked out, public streets and highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said returns made by the commissioners of the respective wards of the city of Bridgeton, shall be recorded in the road book, by the clerk of the county of Cumberland; and that the streets and highways

Public
streets and
highways.

as marked, located and established in and by the said returns, shall be, and they are hereby declared to be public streets and highways, and as such, to be opened, repaired and kept in good order, by or under the direction of the common council of said city.

Proceed-
ings when
common
council and
owners can-
not agree.

2. *And be it enacted*, That if in opening any of said streets or highways, according to said returns, any dispute or controversy shall arise between the common council and the owners of land upon the line of the same, by reason of any change of the location of said streets or highways as heretofore used, and the question of land damages cannot be amicably settled, then it shall be lawful for the city solicitor, in the name of the common council, to make application to the court of common pleas of the county of Cumberland, by petition, naming in said petition all the land owners in whose case they desire to have an assessment made; and the court shall thereupon appoint six of the surveyors of the highways of said county, who shall meet in the city of Bridgeton, on such day as the court shall designate, a copy of which appointment shall be served upon each of said surveyors, at least six days prior to the time of their meeting, and advertisements shall be set up in three or more of the most public places in said city, ten days before the time of meeting, setting forth the time and place, and that they will meet for the purpose of assessing the damages of all such land owners as have been named in said petition, and order of appointment of surveyors.

Duties of
surveyors.

3. *And be it enacted*, That the said surveyors, or a majority of them, shall proceed as surveyors of the highways are empowered to do, when appointed to lay out a road, and shall make an assessment of damages of the owner or owners of any lands which may be taken for streets or highways, by reason of any change of location made in said returns, and shall, at least twenty days before the next term of said court, make a return of the assessments, made by them in each case, but it shall not be necessary for them to annex to said return any map of said streets.

Review of
assessment
may be
made.

4. *And be it enacted*, That if either the said common council, or the owner or owners of any land taken as aforesaid, shall be dissatisfied with the assessment of said surveyors, or any of them, they may proceed to have a review thereof, as is authorized in the case of laying out a highway by the laws of this state, and it shall be the duty

of the said common council to provide for the payment of the said assessments as in other cases.

5. *And be it enacted*, That the same fees shall be allowed ^{fees} and paid for proceedings under this act, as in other cases of laying out roads; and that this act shall take effect immediately.

Approved, April 9, 1867.

CHAPTER CCCLXXXVI.

An act to amend an act entitled "An act appointing Commissioners to lay out streets, avenues and public squares in the city of Elizabeth."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixth of an act entitled "An act appointing commissioners to lay out streets, avenues and public squares in the city of Elizabeth," be, and is hereby amended by striking out from line fifteen, printed bill, the words "the said," so that it shall read "shall be made by commissioners," &c. ^{Amendment to section sixth.}

2. *And be it enacted*, That section eighth be amended by striking out the words "the said" from the first line of the printed bill, so that it shall read "shall be taken by commissioners," &c. ^{Amendment to section eight.}

3. *And be it enacted*, That section ninth be so amended from line eight, printed bill, that it shall read "shall be paid to the said commissioners by the mayor and city council of said city of Elizabeth, on the warrant of the chairman and clerk of said commissioners, from any funds there may be in the city treasury." ^{Amendment to section ninth.}

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

Approved, April 9, 1867.

CHAPTER CCCLXXXVII.

An act for the preservation of order in a portion of the township of Clayton, in the county of Gloucester.

Police district.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Clayton, in the county of Gloucester, within the bounds of the first school district of said township shall be, from and after the passage of this act, constituted a police district, to be called the "Glassboro police district."

Election of police magistrate.

2. *And be it enacted*, That it shall and may be lawful for the legal voters residing within said police district to elect one police magistrate and one marshal on the same day of each and every year as the school trustees are now or hereafter may be elected, and at the same place at which said school trustees are elected; *provided*, that the first election for said officers shall be held on the first Monday of May next.

Previous

Duties of police magistrate.

3. *And be it enacted*, That the said police magistrate shall within twenty days after his election, take an oath or affirmation before some justice of the peace of said county of Gloucester, that he will faithfully, justly and impartially fulfill the duties of the office of police magistrate of the Glassboro police district, according to the best of his ability and understanding, which shall be certified to and filed in the office of the clerk of the court of common pleas of the county of Gloucester, and thereupon the said magistrate shall have all the powers and perform all the duties in criminal cases which justices of the peace now have, and shall have power to arrest or cause to be arrested without process any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes and complaints arising from the violation of any laws of this state, within said police district, and the said magistrate is hereby empowered to commit any person so offending to the lockup of said district for any time not exceeding ten days, as he may deem just and proper, or may impose a fine not exceeding twenty dollars, or both, as in his judgment he may deem just and proper.

Duties of marshal.

4. *And be it enacted*, That the said marshal, so elected, shall have power to arrest any person that he may have rea-

son to believe guilty of any crime or misdemeanor or breach of the peace, and bring such person before the police magistrate to be dealt with according to the provisions of this act, and the said marshal shall, before he enters upon his duties, take an oath or affirmation before the police magistrate that he will faithfully and honestly discharge the duties of his office.

5. *And be it enacted*, That the police magistrate and marshal, so elected, shall receive such compensation for their services as may be allowed them by a majority of the legal voters who may be present and voting at such annual police district election. Compensation of magistrate and marshal.

6. *And be it enacted*, That it shall and may be lawful for the legal voters of said police district at any annual district meeting to order the renting or building and maintaining a lockup to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach of the peace or any offence against the laws of this state, committed within the limits of the said police district; and every warrant or other process of commitment shall specify on its face whether the person committed shall be confined in such district lockup. May rent or build a lockup.

7. *And be it enacted*, That it shall be the duty of the assessor of the township of Clayton, to assess upon the personal and real estate within the bounds of said police district, in the same manner in which other township taxes are now or hereafter may be assessed, such amount as may be ordered by any annual district meeting, as before provided, for the purpose of defraying the expenses of said police district, which assessment shall be made and returned to the township collector, and in case of default of payment of such taxes at the payment of other township taxes, the township collector shall collect the same in the same manner as is provided by law for the collection of other taxes, and pay over all such moneys to the committee of said township, who shall pay the said police magistrate such sums as they have been ordered to pay, at the district meeting aforesaid. Expenses to be defrayed by taxation.

8. *And be it enacted*, That the assessor and collector shall receive the same compensation for the assessment and collection of the said taxes as are now allowed in other cases of taxation. Compensation of assessor and collector.

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

Approved, April 9, 1867.

CHAPTER CCCLXXXVIII.

An act to incorporate the Jersey Land Company.

*Names of
corporators* 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob T. Blauvelt, Edward G. Ford, Benjamin Buckley, William Gledhill and Andrew Derrom, and such other persons as may be associated with them, are hereby created a body politic and corporate, in law and fact, by the name of the Jersey Land Company, and as such shall possess and may exercise all the powers common to all corporate bodies subject to the limitations prescribed by the laws of this state and this act; but shall not possess or exercise the powers of banking or manufacturing.

*May hold
real estate.* 2. *And be it enacted*, That said corporation may sell, lease, rent, convey, mortgage and dispose of any lands, in the county of Passaic, of which they shall become owners by purchase thereof; may lay out the same in lots, plots or parcels; may open roads, streets and highways through the same; may lay out parks in the same, erect fountains therein and otherwise develop and improve the same.

*Amount of
capital
stock.* 3. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, which may be increased by the order of the board of directors or by a vote of the stockholders or a majority of them, to any sum not exceeding five hundred thousand dollars; the shares whereof, shall be in sums of one hundred dollars each and shall be personal property and shall be transferable as the by-laws of the company shall prescribe.

*Commis-
sioners to
receive sub-
scriptions.* 4. *And be it enacted*, That the persons before named, or a majority of them may as commissioners, open books of subscription to said capital stock, at such places and times in said county as they appoint, and when ten thousand dollars shall have been subscribed and paid in, it shall be lawful for said company to begin operations under this act; and when the books of subscription are closed it shall be the duty of said commissioners to call a meeting of the subscribers to said stock, who may organize the company by electing a board of directors, not less than three nor more than seven in number, and thereupon said commissioners shall deliver to said board of directors, or to any officer duly ap-

pointed by them, all books, papers, moneys and securities in their hands as such commissioners.

5. *And be it enacted*, That said board shall at once organize by appointing a president and such other officers as they may deem proper and necessary; may issue stock for any property, real or personal, required by them for the purposes authorized by this act; may call in instalments of subscriptions and may forfeit the same for default of subscribers; that all directors and officers of the board, except those first chosen, shall hold office for one year and till successors are duly qualified, that each stockholder shall have one vote for each share of stock held and owned by him, and that the annual election for directors, except the first election, shall be held on the first Monday of May in each year, at such place in said county and at such time and upon such notice as the by-laws shall appoint.

Election of directors to be made annually.

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

Approved, April 9, 1867.

CHAPTER CCCLXXXIX.

A further supplement to an act entitled "An act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual reports of the city of Paterson, the ordinances, and the proceedings of the boards of aldermen and education, and all other matters heretofore required to be published in one paper, shall hereafter be published in two papers in said city now authorized to publish the laws of this state, and that all acts or parts of acts inconsistent with this act be, and the same are hereby repealed.

Ordinances &c., to be published in two papers.

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

Approved, April 9, 1867.

CHAPTER CCXC.

A further supplement to the act entitled "An act to incorporate the Elizabeth and Newark Horse Railroad Company.

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey,* That so much of section fifteen of the act entitled an act to incorporate the Elizabeth and Newark Horse Railroad Company, as requires the said company to pave their track from the Central Railroad to the northward termination of the same, be and the same is hereby repealed.

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

Approved, April 9, 1867.

CHAPTER CCXCI.

A supplement to an act entitled "An act to enable the owners and possessors of meadow and marsh lying on Newton Creek, in the county of Gloucester, to make and maintain a bank, dam and necessary waterworks, to stop the tide out of said creek and to keep the watercourse thereof open and clear," passed November twentieth, anno domini, seventeen hundred and eighty-six, authorizing the deepening and clearing out said creek, legalizing the action taken for that purpose, and providing for the payment of the expense incurred.

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey,* That the power and authority given in the act to which this is a supplement in relation to cleaning and clearing out Newton creek, and keeping open the natural watercourses of the same and its branches, do, and the same shall be held and construed to authorize, sanction and make legal the deepening, clearing and cleaning out of the same or any part thereof, by means of steam mud machines or dredging machines, under the direction of the

Action of
managers
or commit-
tee confirm-
ed and
legalized.

managers, for the time being, appointed under the provisions of the act, or of a committee specially appointed for the purpose, either under a contract entered into by said managers, or a committee, or otherwise; and the construction or building of one or more of such machines in said creek when necessary or convenient for such purpose, at the expense of the owners of the meadow, marsh and flats, who, or whose property, are by the provisions of the original act to which this is a supplement, made liable for the expenses incurred for work done under the same; and the use of such steam machines, and the deepening, cleaning and clearing out of said creek and its branches, or any part thereof, by the use of the same or otherwise, which has been or may hereafter be done by or under the direction of the managers of said association, or of such committee as aforesaid, is hereby legalized, confirmed and sanctioned, and the action of said managers or of said committee in the premises is hereby made and declared to be in all respects legal, binding and effective in law; and the owners and possessors of the meadow, marsh and flats liable, or subject to be made liable, under the said original act, for the cost and expenses of any work done under the provisions thereof, and their property respectively, are hereby made and declared to be, and shall in all courts of this state be held to be, liable for the cost and expense of such deepening, cleaning and clearing out.

2. *And be it enacted*, That the costs and expenses of the deepening, cleaning and clearing out of said creek and its branches, or any part thereof as aforesaid, may be proportioned and assessed as is provided in the fourth section of the original act to which this is a supplement, for the proportioning and assessment of the general expense of keeping up and maintaining the bank, dam and waterworks authorized by said act, or said cost and expenses may be apportioned and assessed according and in proportion to the number of acres of the meadow, marsh or flat, on said creek or its branches, owned or possessed by each owner or possessor of meadow, marsh or flat, lying on said creek or its branches, and any proportion or assessment of the cost and expense of deepening, cleaning or clearing out of said creek and its branches, or any part thereof, which has been or may be hereafter made in either of the modes or proportions aforesaid, shall be and the same is hereby legalized, confirmed and sanctioned, and made and declared to be valid,

Costs to be
assessed
and taxed.

legal and effective in all respects, and binding upon the said owners and possessors and their property respectively, and the same may be collected in any or either of the ways or modes provided in the said original act for the collection of assessments made under the provisions thereof, or any of them, or the same or any proportion thereof, may be sued for and collected by an action of debt in any court of the state of competent jurisdiction, at the suit of the managers against any owner for the amount and proportion for which he is or may be liable as aforesaid, and any judgment obtained in such suit against the defendant or defendants therein, shall be in all respects good, legal, binding and effective in law against the defendants and their property, real and personal, and shall be collected in the same manner as judgments at law for like amounts are or may be collected.

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

Approved April 9, 1867.

CHAPTER CCXCII.

A further supplement to an act entitled "An act to incorporate the Hillsborough Mutual Fire Assurance Association of the county of Somerset," passed the fourth day of March, in the year of our Lord one thousand eight hundred and forty-four.

Repealer.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the second section of an act entitled "A further supplement to the act entitled an act to incorporate the Hillsborough Mutual Fire Assurance Association of the county of Somerset, passed March fourth, eighteen hundred and forty-four, approved the seventeenth day of March, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same is hereby repealed.

Assessments.

2. *And be it enacted*, That it shall be lawful for the directors of "The Hillsborough Mutual Fire Assurance Association of the County of Somerset," whenever they make an assessment, to assess, over and above the amount of the

losses and liabilities unpaid at the time of assessment, any sum not exceeding five thousand dollars.

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

Approved April 9, 1867.

CHAPTER CCCXCIII.

An act to incorporate "The Orange Orphan Society."

WHEREAS, a number of persons of the town of Orange and its vicinity, in this state, have formed an association or society, assuming the name of "The Orange Orphan Society," the object of which is the care, support, and instruction of orphans and friendless children, and training them to habits of industry; *and whereas*, the object of the said association will be best promoted by an act of incorporation; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mrs. Marcus Wilbur, Mrs. Samuel Colgate, Mrs. Theron Baldwin, Mrs. Alexander H. Freeman, Mrs. ——— Boyce, Mrs. Daniel F. Colie, Mrs. Henry P. Fessenden, Mrs. Jared Kirtland, Mrs. Moses Reynolds, Mrs. Bethuel Harrison, Mrs. Philander J. Bodwell, Mrs. Cheveral Condit, Mrs. David O'Neill, Mrs. Aaron Carter, junior, Miss Caroline Baldwin, Miss Phebe J. Mulford, Miss Maria Harrison, Miss Rhoda Harrison, Miss Jane E. Hillyer, and Miss Martha-Marvin, and all such persons as now are, or may be hereafter associated with them, and their successors, shall be and they are hereby constituted a body politic and corporate, in fact, name and law, by the name of "The Orange Orphan Society," and by that name shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality whatsoever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, as-

Names of
corporators

sign, sell or otherwise dispose of for the purposes of the said corporation.

Election of trustees.

2. *And be it enacted*, That the property, affairs and concerns of the said corporation, shall be managed and conducted by twenty trustees, who shall be elected annually by the members of said corporation, on the second Thursday of October in every year, who shall hold their offices for one year, and until their successors are elected, which elections shall be held under the direction of the trustees for the time being, at such place and upon such notice as they shall think expedient, and in case any vacancy shall happen in the said board of trustees by death, resignation or otherwise, such vacancy may be filled by the said board until the next election, and a majority of the members voting at any such election shall be required for the election of such trustees, and the persons named in the first section of this act shall constitute the first trustees of the said corporation, and shall hold their offices until the second Thursday of October next, and until their successors are elected.

Object.

3. *And be it enacted*, That the object of the said corporation shall be the care, support and instruction of orphan and friendless children of the town of Orange and its vicinity, and as the means of the said corporation will admit, the care, support and instruction of orphan and friendless children of other parts of this state, under such rules and regulations as the board of trustees may ordain, and to provide a suitable asylum for such children to be located in the said town of Orange or its vicinity.

Who may be members.

4. *And be it enacted*, That any person contributing one dollar annually to the funds of the said corporation, shall be a member thereof; and any persons may become a life member of said corporation by paying at one time, to the treasurer thereof, for the use of said corporation, the sum of twenty-five dollars.

Board for transaction of business.

5. *And be it enacted*, That a majority of the trustees shall constitute a board for the transaction of business, and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper for the management and direction of the said corporation, not inconsistent with this act, or the laws of this state; and the said trustees shall have power to delegate such administrative powers as they shall deem proper

to such committees of their own number as they shall appoint.

6. *And be it enacted*, That the said board of trustees shall ^{Officers.} as soon as conveniently may be after the passage of this act, and after every annual election, choose by ballot a president, vice-president, secretary and treasurer, which said officers, excepting the treasurer, shall be chosen from among the members of the board, said board may also from time to time appoint such other officers as to them shall seem necessary and expedient, who shall hold their office during the pleasure of the trustees, and said board may assign such duties and pay such compensation to any officer elected or appointed by them, they may judge right and proper; the treasurer shall enter into such security for the faithful performance of the duties of the office, as the said board may from time to time require.

7. *And be it enacted*, That it shall be the duty of the said board of trustees, to appoint annually an advisory committee of five gentlemen, who shall be consulted by said board in reference to all matters of importance touching the property affairs of said corporation, and that the following named persons shall constitute the first advisory committee, viz: David N. Ropes, Joseph Stickler, William Pierson, junior, and Henry N. Beach. ^{Names of first advisory committee.}

8. *And be it enacted*, That it shall and may be lawful for the overseer of the poor of the town of Orange, or any overseer of the poor of any township in the county of Essex, by the consent of said board of trustees, to place any poor child who is or shall become chargeable to said town or township, and for any mother or guardian of any poor child whose father is dead, or whose father neglects to support or make provision for said child, to place such poor child in the care and custody of said corporation, by writing, under his or her hand and seal, and if any person or persons shall entice away or take or cause to be taken away from such care and custody, any child, who shall be placed therein (except such children for whose support money is paid to such corporation) without the written consent of said board of trustees through its proper officers, every such person so offending, shall on due proof thereof, before any justice of the peace of the county of Essex, be punished by fine, not less than twenty nor more than fifty dollars, or by imprisonment in the county jail not less than three nor more than six months; and all fines imposed under the ^{Penalty for enticement of children from the custody of the corporation.}

provisions of this act shall be paid to the treasurer of said corporation for its use; and such child so enticed or taken away shall be restored to the care and custody of the said corporation.

Children
may be
bound out.

Provided.

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

Exempt
from taxa-
tion.

10. *And be it enacted*, That the property and effects of the said corporation held or used for the purposes contemplated by this act, shall not be subject to the imposition of any tax or assessment of any kind whatsoever.

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

Approved April 9, 1867.

CHAPTER CCCXCIV.

An act to incorporate the Long Branch Mutual Fire Insurance Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Howland, Joseph H. Cooper, Samuel Laird, Jacob Herbert, Thomas G. Chattle, Francis Corlies, Abner Allen, James E. Lippincott, Frederick H. Kennedy, John P. L. Tilton, and William T. Corlies and such other persons as shall be hereafter associated with them shall be and they are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of the Long Branch Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire, and by that name they and their successors may have 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 and hereditaments, goods, chattels and effects of all kinds and nature whatsoever, necessary for the purpose of this corporation and may grant, demise, alien and dispose of at pleasure for the benefit of said company, and also may have a common seal, and alter and renew the same at pleasure, and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and good government of said institution, and put the same in execution; *provided*, that the said by-laws and regulations be not contrary to the laws or constitution of this state or of the United States. Proviso.

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

3. *And be it enacted*, That all the affairs, property and concerns of the said company shall be managed and conducted by five directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be residents of the county of Monmouth, and members of the said company, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time shall appoint, and a majority of the whole shall constitute a quorum for the transaction of business, and that Henry Howland, Joseph H. Cooper, Samuel Laird, Jacob Herbert, Thomas G. Chattel, Francis Corlies, Abner Allen, Jas. E. Lippincott, Frederick H. Kennedy, John P. L. Tilton and William T. Corlies, shall be the first directors of said company, and that after the first year the board of directors shall be five in number and be elected in each year at such time and place in the county of Monmouth at least two weeks immediately preceding such election, which election shall be by ballot, and by a plurality of the votes of the members or their proxies then present, allowing one vote for every five hundred dollars insured in said company; *provided always*, that such member shall have at least one vote, and that no member shall have more than ten votes. Names of first directors.

4. *And be it enacted*, That the board of directors may ap- Proviso.

Officers and agents. point a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

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

Promissory notes. 6. *And be it enacted*, That every person who shall become a member of said company by effecting insurance therein shall, before he receives his policy, deposit his promissory note with security for such a sum of money as shall be determined by the directors to be the premium for said insurance, a part not exceeding ten per centum of said note shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental expenses as shall be necessary for transacting the business of said company, but no member shall be held liable beyond the amount of his, her or their promissory note at the expiration of the term of insurance; the said note or such part of the same as shall remain unpaid after deducting a just and fair proportion of all losses and expenses occurring during said term, and shall be relinquished and given up to the maker thereof, and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said incorporation, to be secured by mortgage on unencumbered real estate in the county of Monmouth, of double the value of the sum loaned.

Policies how made void.

7. *And be it enacted*, That when any property insured by the said company shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company, to be cancelled, and upon such surrender, the insured shall be entitled to receive his deposit note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him

may have the same ratified and confirmed to him for his own 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 for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party to whom the policy issued was entitled and subject to under this act.

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

9. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of Settlement of losses or damage by fire. any judgment against said company for loss or damage, settle and determine the sums, to be paid by the several members thereof as their respective proportion of such loss, and publish the same in such manner as they may see fit, or as the by-laws shall have prescribed, and the sum to be paid by such member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall for the space of thirty days after the publication of said notice neglect or refuse to pay the sum assessed upon him, or his proportion of any loss as aforesaid, in such case the directors may sue for and recover the amount of such assessment, with interest and costs in any court, either at law or equity, and every such member shall forfeit all right and claim to any policy he may have obtained, and be no longer a member of the company.

10. *And be it enacted*, That no transfer of any policy of

Policies may be transferred. insurance of the said company shall be valid until entered in the books of said company and certified on such policy by the secretary.

Place of business. 11. *And be it enacted*, That the operations and business of the incorporation shall be carried on and conducted at Long Branch, in the county of Monmouth.

Limitation. 12. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the legislature at any time hereafter.

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

Approved April 9, 1867.

CHAPTER CCCXCV.

A supplement to an act entitled "An act to incorporate the Dale Manufacturing Company," approved February twenty-three, eighteen hundred and sixty-four.

Capital stock may be increased. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said company "may be increased from time to time as the Directors may prescribe, to an amount not exceeding in the whole" the sum of six hundred thousand dollars, which said stock when issued shall be for the sum of one hundred dollars per share.

May issue bonds. Previous. 2. *And be it enacted*, That the said company may issue bonds to an amount not exceeding one-half of their capital stock, and to secure the same by mortgage upon the property of said company, with interest at such rate as the board of directors may direct; *provided*, that said rate shall not exceed the taxes and seven per cent. per annum,

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

Approved April 9, 1867.

CHAPTER CCCXCVI.

An act entitled "An act to incorporate "The Cape May County Classical and Scientific Institute."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan F. Leaming, William Ross, Stephen H. Bennett, John H. Ross, Luke Vanneman, Aaron Miller, Thomas Douglass, Jr., Enoch Wheaton, Maurice Beesley, Richard D. Edwards, Albert H. Hughs, and their associates, shall be, and are hereby created, declared and constituted a body corporate and politic, in fact and in name, by the name and style of "The Cape May County Classical and Scientific Institute," and by that name they and their successors shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, to make a common seal, and to purchase, take and have, hold, receive, enjoy any lands, tenements, hereditaments, in fee simple and otherwise, or any goods, chattels, legacies, donations annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of said corporation, and the said association hereby incorporated, shall succeed to, and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by the said corporation, shall be used expressly for the same.

Names of
corporators

2. *And be it enacted*, That the objects of this corporation shall be for the promotion of education, and shall be located at Cape May Court House.

Object.

3. *And be it enacted*, That the capital of this corporation shall be ten thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, which shall be considered personal property, and transferable on the books of the corporation, and any person holding one or more shares of stock, shall be a member of the corporation and shall be entitled at all meetings of the stockholders, or at any election or question at issue, to cast one vote in person or by proxy, for each and every share of stock by him or her owned, and standing in his or her name on the books of said

Amount of
capital
stock.

corporation, and that whenever four thousand dollars shall be subscribed of said stock, the trustees may purchase a lot of ground, and proceed to erect thereon such buildings as they may deem needful and proper, and that instalments of the shares may be called in as the wants of the corporation may require.

Quorum.

4. *And be it enacted*, That this corporation shall be managed by a board of trustees, five in number, stockholders in said corporation, a majority of whom shall constitute a quorum.

Trustees to be elected annually.

5. *And be it enacted*, That the trustees shall be elected annually, by a meeting of the stockholders, and by a majority of the votes legally cast by the stockholders and representatives of stock; and the trustees thus elected shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to the laws of this state nor of the United States; to fill vacancies occurring in their own body by means of death, removal, inability or refusal to serve of any person elected, and on the event of any failure of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders, or at a subsequent annual meeting; the said trustees shall at their first annual meeting and annually thereafter elect a president, secretary and treasurer, and appoint such other officers and fix compensation for the same, as they may from time to time deem necessary.

To have corporate powers.

6. *And be it enacted*, That this corporation have the same powers, &c., (except as herein otherwise provided) as are provided under the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

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

Approved April 9, 1867.

CHAPTER CCCXCVIII.

A supplement to the act entitled "An act to revise and amend the charter of the city of Rahway," approved March twenty-third, eighteen hundred and sixty-five.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Rahway, to subscribe to the capital stock of the Rahway Water Company, to an amount not exceeding fifty thousand dollars, and to issue and sell its bonds in payment therefor. City may subscribe for capital stock.

2. *And be it enacted*, That in case the said common council shall so subscribe to and pay for said stock, they shall have the right to vote on the shares thereof, or any of them, by proxy. Right to vote.

3. *And be it enacted*, That the authority vested in the common council of said city, to issue bonds shall include power and authority, if in their opinion the interests of the city will be promoted thereby, to assume by special contract, the payment of the national, state, county and city taxes, which may be legally assessed upon the said bonds; *provided*, that the common council of said city shall have authority to sell and dispose of the bonds they are authorized to issue, at their market value. May contract to pay taxes. Proviso.

4. *And be it enacted*, That the seventy-fourth section of the act to which this is a supplement, be amended to read "remaining lands," as follows: "that in case no agreement for such purpose can be made, it shall be lawful for the common council to appoint three judicious freeholders of said city, residing as near as may be in different wards, commissioners to make an assessment of the damages that any owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard to the value of the lands and real estate taken, and the injury or damage, if any, to the remaining lands and real estate of any such owner or owners; and after making their award of damages, the said commissioners shall make an estimate of benefits, if any, to any such owner or owners, in consequence of the addition of any land to the lands of any such owner or owners, by reversion." Seventy-fourth section of original act

or otherwise, resulting from vacating any street or highway or any part thereof, or the alteration of any street or highway; and after such award and estimate shall be made, the remaining lands and real estate of any such owner or owners, shall nevertheless be liable to assessment for the costs, damages and expenses of such improvement, under and in pursuance of the provisions of this act."

Ninety-sixth section amended.

Provide.

5. *And be it enacted*, That the ninety-sixth section of the act to which this is a supplement, be amended by adding the following: *provided*, that the common council may reject any or all bids, if they deem it for the interest of the city so to do; *provided further*, that when any contract for grading, or other improvement has been made, and other work of the same nature as that under contract is ordered, the common council may, by the affirmative vote of two-thirds of the whole number of councilmen, award the contract for such additional work to the same contractor or contractors at pro rata prices.

Assessment for costs and expenses.

6. *And be it enacted*, That in making an assessment for the costs, damages and expenses of laying out and opening any public park or parks within said city, the commissioners appointed for that purpose may assess such portion of said costs and expenses upon the city of Rahway, as they shall deem just; and the common council are hereby authorized to issue the bonds of the city for the amount thus assessed.

Damages not to be collected until report of commissioners has been made.

7. *And be it enacted*, That the damages awarded to any owner or owners of real estate by the commissioners appointed under the seventy-fourth section of the act to which this is a supplement, as herein amended, shall not be collectable until the commissioners acting under the eighty-first section of said act, to assess costs, damages and expenses, shall make their report and the common council shall have ratified the same; and the treasurer of said city is hereby required in paying the damages awarded to any owner or owners, aforesaid, to deduct therefrom whatever amount may be assessed against such owner or owners for costs, damages and expenses.

Act when to take effect, except as to subscription to stock by city.

8. *And be it enacted*, That this act shall take effect immediately, but such portion thereof as authorizes the common council of said city to subscribe for stock in the Rahway Water Company, shall be inoperative until assented to by the vote of a majority of the electors at an election to be held for that purpose, of which election the same notice shall

be given as is required to be given of the annual charter election in said city.

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

Approved April 9, 1867.

CHAPTER CCCCXCVIII.

An act to incorporate the Acquackanonk Water Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles M. K. Paulison, Henry B. Crosby, Richard A. Terhune, Benjamin N. Cleveland, and David B. Sickels, 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 Acquackanonk Water Company," and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by the same name and style, shall be capable of purchasing any real and 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 fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Amount of
capital
stock.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places, in the village of Passaic 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 Paterson; and at the time

Commis-
sioners to
receive sub-
scriptions.

of subscribing, ten per centum shall be paid on each share subscribed for to the commissioners, or one of them; and as soon as two hundred shares of the said stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose five directors, a majority of whom shall reside within the township of Acquackanonk, 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, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said inspectors; and the said directors shall, as soon as may be after their election, choose a president out of their own number, who shall reside in 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 waterworks, fountains, reservoirs and conduits, and also to obtain and secure the right to use, direct, and appropriate any springs, streams, and ponds of water, or either, in the county of Passaic, as they may deem necessary for the purposes hereby contemplated.

4. And be it enacted, That three 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 and fifty cents each, upon thirty days notice, published in said newspaper; *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 make and prescribe such by-laws, rules and regulations, not inconsistent with the constitution of or

Instalments.

Proviso.

laws of this state, or of the United States; and also to appoint and remove such officers and workmen, and fix the salaries of their presidents, as to them shall seem proper, and annually appoint inspectors of election for directors.

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

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 Paterson papers, that they intend to make application to one

May survey
and lay out
site for res-
ervoirs, &c.

Proceed-
ings when
company
and owners
cannot
agree.

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

Proceed-
ings in cases
of appeal.

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

favor of said owner or owners, then judgment thereon, with cost, 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.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said company, such person or persons shall forfeit and pay therefor to the said company three times the amount of damages sustained by means of such injury, to be recovered by said corporation, with costs of suit, in an action of debt, in any court having cognizance thereof. Penalty for injury to works.

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 purpose 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 the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel or damage public property, and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made. Company authorized to lay pipes &c.
Proviso.

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

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

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

Approved April 9, 1867.

CHAPTER CCCXCIX.

An act to authorize and enable the Hackensack River Peat Company to hold lands and real estate in this state, and to improve the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hackensack River Peat Company, incorporated under the laws of the state of New York be authorized and empowered to receive and hold in fee simple, or otherwise, certain lands, tenements, hereditaments and real estate in the township of New Barbadoes, in the county of Bergen, in this state, now held or owned by Albert Walthery, and other lands contiguous or adjacent thereto, and not exceeding in the whole three hundred acres, and to lease, sell, mortgage and otherwise use, improve and work said lands for any lawful purpose authorized by their charter, and to dispose of the interest and estate of said corporation in the same.

May hold
real estate.

2. *And be it enacted*, That for the purpose of obtaining and manufacturing peat and other products of the earth from said lands, it shall be lawful for the said company to lay, keep and maintain drains through their said lands and other contiguous and adjacent lands to the Sprout brook, or any other near and convenient water course, and from time to time to deepen or change the same when required for the beneficial and convenient working of their said peat lands.

May lay
drains, &c.

3. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers and others in their employ to enter at all times upon lands for the purpose of locating said drains, and of subsequently altering the location thereof, and of deepening or changing the same, doing no unnecessary damage to private property, and when the location of the same or of any part thereof shall have been determined on, and a survey deposited in the office of the clerk of the county of Bergen, the said company by their agents, contractors and others in their employ, enter upon the possession of, and hold, use, occupy and enjoy such lands as may be necessary for the purposes aforesaid, make and maintain, and from time to time, deepen and alter said

May enter
upon lands
for the pur-
pose of lay-
ing drains,
&c.

drains from their said peat lands; first making compensation therefor in the manner hereinafter provided.

4. *And be it enacted*, That if the said drains shall cross any lands not owned or held by said company, and the said company shall fail to agree with the owner or owners thereof, or if by reason of legal incapacity, or absence of the owner or owners, or from any other cause, no such agreement shall be made, a particular description of the land so required shall be given in writing, under the oath or affirmation of some engineer, agent or officer 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 a judge of the circuit court of the county of Bergen, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, or if unknown and out of the state, to make such publication thereof and for such time, not less than fifteen days, as such judge shall direct, and shall assign a particular time and place for the appointment of the commissioners hereinafter named; at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three impartial and judicious freeholders residents in this state commissioners to examine and appraise the land required for said drains, and assess the damages (if any) which may be occasioned by the laying and maintaining the same or any of them upon such notice published or given to the person or persons or parties interested as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order or appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land as may be required for the purpose of this act, and to make a just and equitable appraisal or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said drains or any of them, or as the case may be, and which said assessments shall be paid by the said company to the party

or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons; and which said report shall be in writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the land, and the appraisalment and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein, which report, or a copy of the same, duly certified by said clerk, shall (the appraisalment and damages being first paid, or tendered, or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land, or to make, use and maintain said drains for the purposes aforesaid; *provided always*, that should the owner or owners of any real estate, land or materials feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or she may appeal to the next circuit court in the county, where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be recovered than that awarded by the commissioners.

Proviso.

Process
how served.

5. *And be it enacted*, That whenever any action shall be commenced against the said company in any of the courts of this state, the process therein may be served upon the president or any director or the superintendent of said company, being or residing in the said county of Bergen, or in case the president or any director or superintendent of said company shall not reside in said county, then upon any agent or employee of said company, in the actual occupancy of said lands, six entire days before its return; and such service shall be deemed legal and sufficient.

Liens.

6. *And be it enacted*, That nothing in this act contained shall operate to impair any just and equitable liens that any person may have or be entitled to against said lands and premises.

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

Approved April 9, 1867.

CHAPTER CCCC.

A supplement to an act to provide for the drainage of certain lowlands lying in the city of Hoboken, and the township of Weehawken, approved April fourth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended by increasing the number of commissioners named therein to nine, four of whom shall be residents of the low lands included in said original act, and lying in the city of Hoboken, and that the following persons be and they are hereby appointed said additional commissioners, namely John M. Leicht, Jacob Duryea, Warren Conklin and Joseph Thomas; and said commissioners shall hold their office for the time specified in said section, and be subject to all the provisions of the act to which this is a supplement, and any vacancy in their number shall be supplied in the manner prescribed therein. Section one of original act amended. Names of additional commissioners.

2. *And be it enacted*, That all work done by said commissioners shall be by contract, and the contracts shall in all cases be awarded to the lowest bidder, on his giving proper security for the performance thereof. Work to be done by contract.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately. Repealer

Approved April 9, 1867.

CHAPTER CCCC I.

A supplement to an act entitled "An act to incorporate the Woodmancy and Barnegat Turnpike Company," approved March twenty-ninth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Woodmancy and Barnegat Privileged to extend road.

Turnpike Company shall have the privilege of extending their turnpike road from the village of Barnegat to the village of Manahawkin in the county of Ocean.

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

Approved, April 9, 1867.

CHAPTER CCCCII.

An act to amend "An act to incorporate the West Hoboken Fire Department in the County of Hudson," approved March twenty-seventh, eighteen hundred and sixty-six.

Section
nine of
original act
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act to which this is a supplement be, and is hereby, amended by striking out the words "said county," and inserting in lieu thereof, the words "this state."

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

Approved, April 9, 1867.

CHAPTER CCCCIII.

A supplement to the act entitled "An act to incorporate the Vineland Railway Company.

Authorized
to construct
a branch
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Vineland Railway Company are hereby authorized to build a branch from some suitable point on their said road, to or near the village of Williamstown, subject to the same restrictions, terms and liabilities of the act to which this is a supplement.

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

Approved April 9, 1867.

CHAPTER CCCCIV.

A supplement to an act entitled "An act for the erection of a true meridian line standard in each county of the state, and for the protection of same," approved the fourth day of February, eighteen hundred and sixty-three.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be the imperious duty of each of the boards of chosen freeholders in the several counties in this state, where they have not already got a meridian line standard set up and established, to cause the same to be erected immediately, either in the court house yard or in some other convenient place, as near to the court house of each county as a suitable site for such line can be procured.

2. And be it enacted, That when such meridian line standard is finished and completed in any of the counties in this state, it shall be the duty of each and every person engaged in the business of surveying land in such county to test and note the actual variation of his compass from the true meridian line standard of his county at least twice in every year, which shall be in the months of April and October, and to deposit a certificate of the same with the date and time of such test, with an affidavit verifying its correctness, with the clerk of the county in which he may reside, to be by him recorded in a book provided for that purpose, which certificate shall be in the following or like form: on the

day of A. D.,
A. B., a practical land surveyor of the county of
did test and note the actual variation of my compass from
the true meridian line standard of said county, and find that
the north end of the needle points degrees
and minutes (to the east or west as the case may
be) of said meridian line standard.

Signed,

A. B.

and every surveyor of land neglecting or refusing to comply with the provisions of this or any other section of this act shall be liable to the penalty of fifty dollars, to be sued for and recovered with costs, in an action of debt, before any justice of the peace, by and in the name of the clerk of said county, or by any other person, for the use and benefit of

Duty of
board of
chosen free-
holders.

Duties of
surveyors.

I
Form of
certificate.

Penalty for
neglect.

such county, to be applied on recovery to such county uses as the board of chosen freeholders of the county where the same is recovered shall direct.

Returns of
surveys.

3. *And be it enacted*, That as soon as any surveyor of land as aforesaid, shall test and note the variation of his compass, and deposit his certificate of the same with the clerk of the county under oath, as in the preceding section is ordered and directed, he shall, in all surveys made by him thereafter, make out and return the same according to the true, instead of the magnetic bearings; and in all deeds of conveyance, divisions, quit claims, roads or any other matter wherein courses and distances are concerned in such county (when a new survey is made thereof) the true, instead of the magnetic bearings, shall be inserted, and a note made of such fact that they are such, in some part of the instrument containing them.

Fees for
recording
certificates.

4. *And be it enacted*, That for recording each certificate of variation and affidavit of the correctness of the same appended, and for copies or abstracts of the same, and for drawing the certificate aforesaid, the county clerk shall be allowed the sum of twenty-five cents, to be paid by the parties presenting the same for record or demanding abstracts or copies or the drawing of said certificate.

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

Approved April 9, 1867.

CHAPTER CCCC V.

An act to incorporate "The New Jersey Iron Mining Company."

Names of
corporators

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Conrad Poppenhusen, Thomas Achelis, John Hance, John C. Jardine, George Viator, Adolph Poppenhusen, Elias M. White, Alexander Elliott, and James H. Neighbour, and the survivor or survivors of them, and all such persons as may hereafter be associated with them or the said survivors and assigns shall be

and they are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "The New Jersey Iron Mining Company," for the purpose of mining, smelting, manufacturing, buying and selling ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in the counties of Morris and Sussex in this state, and carrying on the business incident thereto, and that they and their successors by that name shall be able and capable in law to acquire, receive, have, hold, and enjoy any lands, tenements, and hereditaments, within the county of Morris and Sussex, and goods and chattels of whatever kind and quality necessary for the purpose aforesaid, and the same or either or any part thereof, to sell, lease, mortgage, grant, demise, alien, and dispose of, and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to every corporation.

2. *And be it enacted*, That the capital stock of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct; it shall be lawful for said company when one hundred thousand dollars of the capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct, and carry it on until they shall deem it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under penalty of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment or payments so called for and demanded shall not be made within sixty days after notice of such call and demand shall have been published for at least four weeks in one of the newspapers published in the county of Morris.

3. *And be it enacted*, That the subscription of the said capital stock shall be opened in Dover, Morris county, for any time not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the said board for that purpose, at such time as they shall appoint.

Election of
Directors

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and directed by not less than three nor more than five directors, being stockholders, one of whom shall be president and one of whom shall be treasurer, which officers shall hold their offices for one year from the first Monday in June in every year, and that said directors shall be chosen on the last Wednesday in May in every year, at such time and place as shall be directed by the by-laws of said company by such stockholders as shall attend for that purpose either in person or by proxy, and public notice shall be given of the time and place of holding every such election not less than ten days previous in two or more newspapers printed in this state nearest the place where such election shall be made, and these elections shall be made by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the company, and the persons having the greatest number of votes, being stockholders, shall be directors, and if it shall 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 three shall be a plurality of votes appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such elections shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of directors, and the said directors so chosen shall elect one out of their number to be president, and also another who shall be treasurer of said company, and also may appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of said whole number of directors being present when such elections and appointments take place; and if it shall happen that any vacancy or vacancies occur by death, resignation or otherwise among the directors named in this act or those hereafter to be chosen, such vacancy or vacancies shall be filled from among the stockholders by such person or persons as the directors for the time being or a majority of them shall appoint, and until other directors shall be chosen from the stockholders, the first directors shall be the corporators hereinbefore named, and the survivor or survivors of them, who shall hold their offices until the first Monday in June, eighteen hundred and sixty-eight, and until others are legally chosen,

and said company shall keep their office at the place where their works shall be located.

5. *And be it enacted*, That no dividend shall be made to and among the stockholders, except out of the profits of the said corporation. Dividends.

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

7. *And be it enacted*, That a majority of the directors, for the time being, form a board for the transaction of business, and shall have power to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall seem to them necessary and convenient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state. May make by-laws and rules.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of this company, and which books shall be at all times open to the inspection of the stockholders, and a correct and full statement in gross of the affairs of said corporation shall be made to the stockholders at the annual meetings for the election of directors. Books of account to be kept.

9. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same is applicable. Restrictions and liabilities.

10. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders at a meeting called for that express purpose, by a notice printed once a week for four successive weeks in a newspaper published in the county of Morris, and in a newspaper published in the city of New York, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors shall be trustees, and as such shall have full power to realise, sell and convey, Corporation how dissolved.

and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders *pro rata*.

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

Approved, April 9, 1867.

CHAPTER CCCCVI.

An act for the relief of Richard I. Jacobus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard I. Jacobus, of Essex county, be, and hereby is restored to all his rights and privileges as a citizen of New Jersey.

Rights and
privileges
restored.

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

Approved April 9, 1867.

CHAPTER CCCCVII.

An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Pittsgrove, Woodland and Medford, in the counties of Salem and Burlington.

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

Provisions
extended to
Pittsgrove,
Woodland
and Med-
ford town-
ships.

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

Approved, April 9, 1867.

CHAPTER CCCCVIII.

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

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That after the expiration of the term of office of any justice of the peace in this state, before whom a judgment shall have been obtained against a defendant in attachment, as provided by the act entitled "An act for the relief of creditors against absconding and absent debtors," all the proceedings against the garnishee authorized by the fifty-first section of the said act to which this is a further supplement, may be had before any other justice of the peace.

Proceed-
ings may be
had before
a justice of
the peace.

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

Approved April 9, 1867.

CHAPTER CCCCIX.

An act to amend "An act to enable the inhabitants of the township of Pequannock, in the county of Morris, to raise money," approved March ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poll tax levied by the act to which this is amendatory, be and the same is hereby reduced from five dollars to three dollars from and after the passage of this act.

Poll tax.

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

Approved April 9, 1867.

CHAPTER CCCCX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act entitled "An act for the preservation of sheep," revision approved April fourteenth, eighteen hundred and forty-six, which said supplement was approved March twenty-four, eighteen hundred and fifty-two, be, and the same is hereby, repealed, so far as it relates to the township of Millstone, in the county of Monmouth.

Repealer as
to millstone
township.

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

Approved April 9, 1867.

CHAPTER CCCCXI.

A supplement to the act entitled "An act to incorporate the Kaighn's Point and Philadelphia Ferry Company," approved March 15th, 1867.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Kaighn's Point and Philadelphia Ferry Company, may, by resolution of its board of directors, at any time hereafter reduce the present amount of capital stock of said company, to not less than fifty per cent. of its present value; and that such reduction may be made either by reducing the present number of shares of said stock or by reducing the par value of the shares into which the stock is at present divided; and said board of directors may provide for issuing new certificates in lieu of those now held if they shall think it necessary; *provided*, that no reduction of the capital stock shall be made until all the stockholders of said corporation shall consent there-to in writing or until in default of such consent of all the stockholders, a resolution authorizing and consenting to such reduction shall be passed by a vote of at least two-

Capital
stock may
be reduced.

thirds in interest of the stockholders and signed by them, in writing at a meeting of the stockholders, called for that purpose, according to the provisions of the by-laws of said company for calling special meetings of stockholders thereof, which consent signed by all or resolution signed by two-thirds in interest of the stockholders or copies thereof under the oath or affirmation of the president or secretary of said company, to the effect that the persons signing it are the holders of said stock as therein represented, shall be filed in the office of the secretary of state at Trenton.

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

Approved April 9, 1867.

CHAPTER CCCCXII.

An act entitled, "An act for the relief of Ann Applegate, widow of a Revolutionary Pensioner."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state, to Ann Applegate, widow of a revolutionary soldier, of Middlesex county, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to her semi-annually, during her lifetime. Pension.

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

Approved April 9, 1867.

CHAPTER CCCCXIII.

An act to authorize the Trustees of the Presbyterian Church of the city of Perth Amboy, to sell and convey certain real estate.

WHEREAS, The trustees of the Presbyterian church in the city of Perth Amboy, are in possession of a certain lot of Preamble.

land situated on the west side of State street (formerly Back street), near Market, donated and given by the proprietors of East Jersey, for the use of said Presbyterian church and for a burying ground; *and whereas*, the said ground is unfit for the purposes heretofore used, and a large number of the bodies buried there have been removed by their friends to the Alpine Cemetery in the city of Perth Amboy; *and whereas*, the said trustees are desirous of vacating the said ground and having the bodies of those buried therein, whose friends are not able to pay for the same, removed to the Alpine Cemetery, under the direction and expense of the said trustees, and to sell the ground for the benefit of the said Presbyterian church, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Presbyterian church of the city of Perth Amboy, or their successors in office, be, and hereby are authorized and empowered to sell and convey the said lot of land now occupied and used for a burying ground, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law.

2. *And be it enacted*, That the trustees of the Presbyterian church, or their successors in office, be, and are hereby empowered to remove or cause to be removed, all bodies buried in the said lot of land heretofore used as a burying ground, to the Alpine Cemetery at their own expense, or at the expense of the parties purchasing the same, as the several parties may agree; *provided*, their relatives and friends are not able or refuse to remove or pay for the removal of the same.

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

Passed April 10, 1867.

Trustees
empowered
to sell lot of
land.

May cause
bodies to be
removed.

Provide.

CHAPTER CCCCXIV.

A supplement to the act entitled "An act to incorporate the Millville and Glassboro Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for the directors, lessees or agents of said railroad to charge more than three and a half cents per mile for the carrying of passengers, and six cents per ton per mile for the carrying of freight or merchandise of any description, unless a single package weighing less than one hundred pounds; nor shall more than one-half of the above rate be charged for carrying any fertilizing materials, either in their own cars or cars of other companies running over said railroad; *provided*, that nothing contained in this act shall deprive the said railroad company or its lessees, of the benefits of the provisions of an act entitled "An act relative to freights and fares on railways in this state, approved March 4th, 1858, and applicable to all other railroads in this state."

Rates of
fare and
freight.

Proviso.

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

Approved April 10, 1867.

CHAPTER CCCCXV.

An act to authorize the erection of a Town Hall and House of Detention in the township of Randolph, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James H. Neighbour, Daniel P. Merchant, Elias M. White, Isaiah W. Condict, John Hance, Jesse McLaughlin, Ephraim Lindsley and Anson G. P. Segur, of said township of Randolph, in the county of Morris, or a majority of them, be, and they are hereby appointed commissioners, for the purpose contemplated by this act, and they are hereby empowered to erect in such place in said township as to them or a majority of them

Names of
com-
mis-
sioners to
erect a
house of
detention.

seems most desirable, a suitable building to be used as a town hall and house of detention.

Township committee to have charge of the building.

2. *And be it enacted*, That the township committee of said township, shall have charge of said public building when the same shall be erected, and that the same shall be used for the holding of elections, whether township, county, state or national, and for the transaction of all necessary public business.

Constable may commit offenders.

3. *And be it enacted*, That any constable, or other proper officer of said township, may commit to said house of detention, any and all persons, arrested for offending within the limits of said township against the laws of this state, until the offence can be heard and duly investigated by a magistrate, and the offender or offenders be further dealt with as the law directs.

Expenditures to be raised by assessment.

4. *And be it enacted*, That the amount of money necessary for the erection of such House of Detention, shall be raised by assessment upon the inhabitants and taxable property of said township, at such time and in such manner as other moneys are raised for township purposes.

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

Approved April 10, 1867.

CHAPTER CCCCXVI.

A supplement to an act to provide for raising moneys paid for bounties in the township of Hardiston, in the county of Sussex, approved April fourth, eighteen hundred and sixty-five.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the proviso in the third section of the act to which this is a supplement as directs the town committee to first cause to be assessed and collected a poll tax is hereby repealed.

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

Approved April 10, 1867.

CHAPTER CCCCXVII.

An act to annex the township of Pittsgrove, in the county of Salem, to the county of Cumberland.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Salem, embraced within the limits of the township of Pittsgrove shall be, and the same is hereby attached to, and made a part of the county of Cumberland, and shall be subject to all the laws which the county of Cumberland now is, or may be subject to; and the boundary line between the said township of Pittsgrove and the township of Upper Pittsgrove, in the county of Salem, shall be hereafter the boundary line between the county of Cumberland and county of Salem; and the corporate name of the inhabitants of the said township of Pittsgrove, shall hereafter be, "The Inhabitants of the Township of Pittsgrove, in the County of Cumberland."

2. *And be it enacted*, That the justices of the peace, and other officers within the limits of the territory hereby attached to the county of Cumberland, shall continue to hold, exercise and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Salem, until the second Monday of May next, unless the term of their office shall sooner expire, and all courts at the time of passing this act, existing and being within the aforesaid limits of the said county of Salem, shall continue to have and exercise jurisdiction within the same, until the second Monday of May next, in the same manner as if this act had not been passed, and on and after said date, and until their respective terms of office in the county of Salem shall expire, all persons in office at the time of the passing of this act, resident within the township of Pittsgrove, and all and every of them, shall hold, exercise and enjoy their respective offices with all the powers, privileges and emoluments thereto belonging within the limits of the said county of Cumberland, as officers of said county, as fully to all intents and purposes as if they had been elected and appointed to their said offices respectively, within the said county of Cumberland; *provided*, that all justices of the peace shall take and sub-

Boundary
line of
Pittsgrove
township.

Justices of
the peace,
&c.

Proviso.

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

Legal proceedings commenced prior to the passage of this act not to be affected.

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

Process

Judgments.

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

Quota of war debt to be paid to the county of Salem.

5. *And be it enacted*, That the inhabitants of the said township of Pittsgrove shall be exempted from the payment of any part of the war debt of the county of Cumberland; but shall continue liable for the payment of their just quota, or

proportion, of the war debt of the county of Salem, as if this act had not been passed, and for the purpose of ascertaining the proper quota or proportion of the said debt, ordered to be collected, that should equitably be assessed upon the persons and property of the said township, it shall be the duty of the assessor of said township, for the time being, to furnish, yearly and every year, to the board of assessors of the county of Salem, at their annual meeting, full, true and accurate abstracts, under oath or affirmation, from his tax book, of ratable lands, chattels, effects, estates, certainties, in said township, from which the quota or proportion of said war debt, to be assessed and collected in said township, shall be adjusted and fixed according to law; and it shall be the duty of the assessor of the said township of Pittsgrove to assess, and the collector of the said township to collect, as other taxes are assessed and collected, the said tax, yearly and every year, and pay over the amount of said debt, so assessed and collected, to the board of chosen freeholders, or county collector of the county of Salem, in the same manner, and under the same penalties for neglect, as if this act had not passed.

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

Approved April 10, 1867.

CHAPTER CCCCXVIII.

An act to incorporate the National Storage Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Bonnell, junior, William D. Hart, Willson Smith, Henry Wescott, Rufus H. Gilbert, and their successors and assigns, are hereby constituted a corporation by the name of the National Storage Company, for the purposes of receiving, storing, handling, dealing in and transporting petroleum and its products, and other property, and making acceptances and advances thereon, and shall have power to sue and be sued, to make, use and alter at pleasure a common seal, and to make and alter at pleasure such by-laws and other regulations for the conduct of the company's business as they may deem needful,

Names of
corporators.

and as are not inconsistent with the laws of this state, and of the United States.

May hold
real estate.

2. *And be it enacted*, That they shall have power to acquire by lease, purchase or otherwise, and hold and use any real or leasehold estate, vessels, or personal property, and to construct, purchase, and use any wharfs, warehouses, machinery, or other conveniences they may from time to time deem necessary for proper prosecution of their business, and the same or their products from time to time to sell, assign or otherwise dispose of; *provided*, that no petroleum or coal oil, shall be stored or kept within the corporate limits of Jersey City, in the county of Hudson, where their office shall be.

Proviso.

May charge
and collect
rates for
storage, &c.

3. *And be it enacted*, That they shall have power to charge and collect such rates for storage, handling and transporting, and other services rendered, and for moneys or acceptances advanced, as they may from time to time fix, and the same shall be a lien till paid on the property on which the charge is made, and on any other property belonging to the same owners which may be, or become in their custody, and in case the same shall be in arrear and unpaid or the goods be unclaimed for four months, said goods or so much thereof as may be sufficient to satisfy the amount due thereon, may be sold at public auction; thirty days notice of the time and place of such sale being given in a newspaper published in the county where they do business.

Amount of
capital
stock.

4. *And be it enacted*, That the capital stock of the corporation shall consist of two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, which shall be deemed personal property and be transferable as such, in the manner the by-laws may prescribe, with power to increase the same from time to time as a majority of the stockholders in interest may determine, to an amount not exceeding five hundred thousand dollars; instalments or subscriptions thereto may be called for as the directors shall from time to time designate.

May borrow
money.

5. *And be it enacted*, That they shall have power to borrow money to an extent not exceeding two-thirds of the paid up capital stock of said corporation, at such rates, and upon such terms and conditions as they may think proper, and may secure the same by mortgage of their property, income and franchises, and issue bonds, plain or coupon, or other evidences of indebtedness therefor.

Election of
directors

6. *And be it enacted*, That the company's affairs shall be managed by a board of five directors chosen by the stock-

holders, one of whom the board shall choose as president; the first election for directors shall be held on the first Tuesday of May, eighteen hundred and sixty-seven, and an election annually thereafter on the first Tuesday of May of each year, at which meetings the board shall make an exhibit to the stockholders, of the business and operations of the company for the fiscal year ending thirty-first of March next preceding; if from any cause the election shall not be held at the times named, the corporation shall not thereby cease to exist, but the board last elected shall continue in office till others are chosen, and the corporators named herein shall be directors till the first election is held; a majority of the directors shall be a quorum for the transaction of business; the board shall have power to appoint and remove at pleasure all officers, agents or servants they deem necessary, and to fill all vacancies in their own number.

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

Approved April 11, 1867.

CHAPTER CCCOXIX.

An act to allow the voters of Jackson township to elect two constables.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the voters of Jackson township, in the county of Ocean, to elect two ^{Election of} constables. _{constables.} stables at their annual town meetings.

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

Approved April 11, 1867.

CHAPTER CCCCXX.

A supplement to the act entitled "An act for the confinement of prisoners, under the authority of the United States, in the jails of this state," passed June sixth, seventeen hundred and ninety-nine.

Names of
United
States pris-
oners con-
fined in
county jails
with cost of
subsistence
to be made
semi an-
nually.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sheriff or keeper of every jail in any county of this state shall on or before the first days of April and October, semi-annually, make out the name of all prisoners who since the last settlement shall have been committed to his custody, under the authority of the United States, and the time they shall have been respectively confined, with an account of the amount thereof at fifty cents per month for the use and keeping of such jail for every person so committed, together with an account of their subsistence at the rate established by law for state prisoners, and transmit the same to the United States marshal for this district, for payment instead of to the treasurer of this state as now required.

Repealer.

2. *And be it enacted*, That section two of said act be, and the same is hereby repealed, and that this act take effect immediately.

Approved April 11, 1867.

CHAPTER CCCCXXI.

An act authorizing the erection of a swinging gate across the Waretown Landing road, near the village of Waretown, in the county of Ocean.

Preamble

WHEREAS, the road leading to Waretown Landing runs through a tract of some fifty acres of salt meadow, which cannot be fenced to stand in consequence of storm-tides taking said fence away, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owner of the meadow between the main shore road and Waretown

Landing to hang a swinging gate across said Waretown Landing road, at the point where the gate of Joseph H. Birdsall now is, and if any person shall stake, shove or leave open, or cut, break or pull down, or destroy said gate he, she or they shall, for every such offence, forfeit and pay two dollars, to be recovered by action of debt with cost, by any person who shall prosecute for the same, and shall also pay the owner of the soil any damage or damages which he may have sustained thereby, to be appraised by three neighboring freeholders, or a majority of them, which damages so assessed shall be recovered by action of debt, with cost, before any court having cognizance of that sum.

Swinging
gate to be
erected.

Penalty for
injury, &c.,
to gate.

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

Approved April 11, 1867.

CHAPTER CCCCXXII

An act to incorporate the Masonic Temple Association of Paterson.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Buckley, John Hopper, Francis Scott, E. M. Weiss, John R. Smith, Allen Knowlton, Alvin Webb, Andrew Mead, John Mortimer, Andrew Derron, David Henry, John H. Post, John H. Edwards, James Peacock, and the survivors of them, and their successors, Free and Accepted Masons of the state of New Jersey, be, and they are hereby created a body politic and corporate, in fact and in law, by the name of the "Masonic Temple Association of the City of Paterson," for the purpose of purchasing land in the city of Paterson, and erecting thereon a building and hall, and the transaction of such business as may be necessarily connected with the purchasing said land, and erecting, building, conducting, leasing or otherwise disposing of such building and hall, and for that purpose the said corporation shall have power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects, as may be required for the purpose of the said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mort-

Names of
corporators.

gage, change, encumber and dispose of at their will and pleasure.

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

Election of
directors.

Proviso

Capital
stock not to
be withdrawn
or refunded

Annual
statement
to be made.

2. *And be it enacted*, That the persons named in the first section of this act shall have power to raise by subscription, a capital not exceeding one hundred thousand dollars (\$100,000) in shares of twenty-five dollars (\$25) each, which shall be deemed personal property, and may be transferred on the books of said corporation in such manner as shall be prescribed by the by-laws; and whenever twenty thousand dollars (\$20,000) shall have been subscribed and paid, or satisfactorily secured to be paid, the said persons, or a majority of them, shall convene a meeting of the stockholders, by ten days' previous notice served upon said stockholders, or published in two newspapers in the city of Paterson, for the same space of time, which notice shall specify the time, place and object of the meeting; at which meeting the said stockholders who shall attend, shall proceed to elect such directors as they may deem necessary; and such directors, when chosen, and their successors, shall have power to appoint a president and such other officers, and make such by-laws as they may deem proper for the purposes aforesaid, not inconsistent with the laws of this state, or the United States; and the remainder of the stock, if any, may be disposed of from time to time, by the directors, and the directors shall hold their office for one year, and until others are duly elected in their stead; *provided*, that the persons named in the first section of this act may be first directors of said corporation with all the powers above provided, and may continue in office until the first-annual election prescribed by the by-laws, and until their successors shall be duly elected; and any vacancy occurring in the annual elections, may be filled by the survivors or a majority of them.

3. *And be it enacted*, That no part of the capital stock shall, at any time or under any pretence, be withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid, and each stockholder, at all elections for directors or other purposes, shall be entitled to one vote for every share of capital stock held by such stockholders, which vote may be given in person or by proxy.

4. *And be it enacted*, That at every annual meeting of said corporation the directors shall submit to the stockholders a written statement under the oath or affirmation of their president or treasurer, of the amount of capital stock paid in, the amount of all existing debts and claims against the

corporation, and of their receipts and credits of the preceding year; and such dividends may from time to time be declared by the directors as they shall deem proper, and be paid to the stockholders, but no dividend shall be declared except from the net profits of the said corporation.

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

Approved April 11, 1867.

CHAPTER CCCCXXIII.

An act to repeal an act entitled "An act to incorporate the Tidewater Company."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to incorporate the Tidewater Company," passed April fourth, eighteen hundred and sixty six, be, and the same is hereby repealed. Repealer--

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

Approved April 11, 1867.

CHAPTER CCCCXXIV.

An act to authorize the inhabitants of road districts number one, and number three, in the township of Warren, in the county of Somerset, to elect their own overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways for districts number one, and number three, in the township of Warren, in the county of Somerset, shall be elected by the legal voters of each road district as they may be arranged from time to time by the town committee, and it shall be the duty of the township clerk to give public notice by advertisement, put up in one of the most public places in each district, of the time and place of such meeting, which shall Election of
overseers of
highways.

be some convenient place in each district, when and where the legal voters residing in the district shall assemble for the purpose of such election, at which time and place such legal voters so assembled, having been called to order by any legal voter of the district, shall proceed viva voce by holding up of hands or by count, to elect a moderator of such meeting by plurality of votes, and being so organized the meeting shall proceed as in the election of a moderator, to elect an overseer of the highway for one year for the district, being a resident in the district, the moderator of each district meeting shall immediately thereafter notify in writing, signed by himself as moderator of said meeting, the clerk of the township, who shall enter in the town book the name of the overseers so elected, and also the number of his district, and in case of failure of the person so elected to accept the appointment, the town committee shall fill such vacancy as in other cases, the overseer of the highway shall account to and settle with the town committee or collector of the township as now required by law to do, or as the town meeting may direct.

Compensation.

2. *And be it enacted*, That the said overseers shall be allowed the like compensation, and entitled to and invested with the like powers and privileges, and subject to the same penalties and liabilities, as other overseers of the highways under the laws of this state.

Time for holding elections.

3. *And be it enacted*, That such election shall be held in each district, on the Saturday next preceding the second Monday in April, annually at such time and place, and upon such notice as shall be determined upon at the previous annual meeting, and that the first election shall be held on the Saturday preceding the second Monday in April next, at such time and place as shall be designated by the town clerk, notice of which shall be given by an advertisement for five days previous thereto in some public place in each district.

Repealer.

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

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

Approved April 11, 1867.

CHAPTER CCCCXXV.

An act to enable the trustees of West Hoboken School District, Hudson County, to borrow money, and for other school purposes pertaining to said district.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That to enable the trustees of the West Hoboken township school district, county of Hudson to purchase sufficient land to erect and furnish a suitable building, with necessary outhouses, fences, etc., in said district for school purposes, the said trustees are hereby authorized and empowered to sell the land and school house now belonging to said school district, and to use the proceeds of said sale for the aforesaid purposes, and in addition thereto the said trustees or a majority of them are hereby authorized and empowered to borrow a sum or sums of money not exceeding in the total amount the sum of twenty thousand dollars for the aforesaid purposes and to issue their bonds for the same in their corporate name and under their common seal, which said bonds shall bear interest at a rate not exceeding seven per centum per annum payable semi-annually.

Trustees
authorized
to borrow
money for
school pur-
poses

2. And be it enacted, That one-seventh of the whole of the principal of said bonds shall be payable and paid in each successive year after the issue of the same, until the whole of said bonds shall have been redeemed and paid, and in order to provide for the said yearly payment of the principal of the one-seventh of the whole, and of all interest accruing on said bonds, the said trustees shall on or before the first day of June next, and in each year thereafter on or before the first day of June, determine the amount needed for the said payments during the ensuing twelve months, and notify in writing the assessor and collector of said township, of the said amount required for said purposes, who shall thereupon proceed to assess and collect the same from the taxpayers of said township school district, in such manner and at such times as other township moneys are assessed and collected in said township, until the whole of said bonds and interest thereon shall have been redeemed and paid in full, and the said moneys so collected shall be paid over with other moneys collected for school purposes

Provision
for pay-
ment of
interest and
principal
of bonds.

for said township school district, to the proper officer for receiving and disbursing the public school moneys of said township, who shall pay the same in accordance with the requisitions of the aforesaid trustees for the purpose aforesaid.

Bonds not
to be of less
denomina-
tion than
fifty dollars

3. *And be it enacted*, That the trustees, or a majority of them, shall have full power and authority to sell the said bonds at the highest bid offered after advertising the same, for at least one month in one of the newspapers published in the county of Hudson, and also that none of the said bonds shall be issued in sums less than fifty dollars.

Repealer.

4. *And be it enacted*, That the act passed March twenty-ninth, eighteen hundred sixty-five, entitled "An act to enable the trustees of West Hoboken school district, Hudson county, to borrow money and for other school purposes pertaining to said district," and also all acts or parts of acts inconsistent with this act is hereby repealed, and this act shall be a public act and take effect immediately.

Approved April 11, 1867.

CHAPTER CCCCXXVI.

An act to confirm the acknowledgments and proofs of deeds and other instruments of writing taken by Edward M. Weiss, of the city of Paterson.

Preamble.

WHEREAS, it appears that Edward M. Weiss, on the twenty-first day of February, eighteen hundred and sixty-six, was appointed a commissioner for the south ward of the city of Paterson, in the county of Passaic, in this state, to take the acknowledgments and proofs of deeds for the said county, and was duly commissioned and sworn into office; *and whereas*, at the time he was so appointed the said Edward M. Weiss resided in the fifth ward of said city, and has continued to reside in said fifth ward, and he has performed official acts and taken acknowledgments and proofs of deeds as such commissioner; therefore, to remove all doubts as to the legality of the official acts of said Edward M. Weiss in the premises,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the official acts and the acknow-

ledgments and proofs of deeds and other instruments of writing done or taken, or which shall hereafter be done or taken and certified by the said Edward M. Weiss as commissioner as aforesaid, under and by virtue of his commission for that purpose, bearing date the twenty-first day of February, eighteen hundred and sixty-six, shall not be deemed invalid or defective by reason of his being a resident of the fifth ward of the city of Paterson, and all such official acts, acknowledgments and proofs done or taken, or which shall hereafter be done or taken, and certified by the said Edward M. Weiss, as commissioner as aforesaid, are hereby confirmed and declared, and the same shall be deemed and taken to be as valid and effectual, as if the said Edward M. Weiss, at the time of his said appointment, had resided, and had since that time continued to reside, in the south ward of the city of Paterson, in the county of Passaic.

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

Approved, April 11, 1867.

CHAPTER CCCCXXVII.

A supplement to the act entitled "An act to incorporate the Union Locomotive Works," approved March twenty-six, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Union Locomotive Works," incorporated by the act to which this is a supplement, be, and the same is hereby, changed to that of "Grant Locomotive Works."

Corporate
name.

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

Approved April 11, 1867.

CHAPTER CCCCXXVIII.

Supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Provisions
of forty
first sec-
tion of
original act
to apply to
all city
officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the forty-first section of the act to which this act is a supplement shall be and are hereby made applicable to all officers of said city, whether elected or appointed.

Taxes on
steam-boats
and other
vessels.

2. *And be it enacted*, That the second section of an act entitled "supplement to an act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one, which said supplement was approved March twenty-ninth, eighteen hundred and sixty-six, shall be so construed that in assessing for taxes on steamboats and other vessels, money debts or other personal estate, there shall be deducted from the valuation, any debt or debts bonafide due and owing from the owner of such personal estate to any creditors in this state, and that after the word "state" in said section shall be added the following, "and shall not be deducted from the value of taxable property therein."

Hospital

3. *And be it enacted*, That it shall be lawful for the said common council to pass, alter and repeal ordinances to maintain, regulate and control a hospital within the limits of said city, and to make such contracts and agreements relative to the receiving of patients and relative to the compensation to be paid by such patients or others willing to indemnify the said city, by reason of receiving such patients as to them may seem just and reasonable, and to enforce by appropriate action at law such contracts and agreements.

Assessors
to file du-
plicates
of assess-
ments.

4. *And be it enacted*, That the assessors of said city shall cause to be filed with the clerk of the said city, transcripts or duplicates, of the assessment of taxes levied in said city on or before the first day of November in each and every year, and that it shall be lawful for the common council of said city to pass, alter and repeal ordinances, prescribing penalties for disobedience of the directions of this section to be recovered in the same manner as penalties for violation of other ordinances are now recovered.

5. *And be it enacted*, That the third section of the supplement to the charter of the said city, approved March twenty-ninth, eighteen hundred and sixty-six, be and the same is hereby repealed. Repealer.

Approved April 11, 1867.

CHAPTER CCCCXXIX

An act to regulate the system and practice relating to the employment of hacks, stages and vehicles for passengers in the township of Ocean, in the county of Monmouth.

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 who may not have been a resident for one year of the county of Monmouth, in this state, to engage in the business of carrying passengers or their baggage by hacks, stages and vehicles for hire in the township of Ocean in said county, unless such person or persons shall first pay to the collector of the county of Monmouth a license fee of one hundred dollars for the benefit of said county. License fee.

2. *And be it enacted*, That if any such person shall engage in the business of carrying passengers or their baggage by hacks, stages and vehicles in said township without having first paid such license fee, such person for every such offence shall forfeit his hack, stage or vehicle, and horse or horses engaged in such business, and the same may be seized and secured and disposed in the manner herein prescribed. Penalty for carrying passengers without license.

3. *And be it enacted*, That it shall be the duty of all constables, and may be lawful for any other person or persons resident in said county, to seize and secure any such hack, stage or vehicle, or horse or horses employed as aforesaid, and immediately give information thereof to any justice of the peace of said county of Monmouth, who shall appoint a time and place to hear, try and determine the same, and who is hereby empowered and required to declare the same condemned, if the provisions of this act be violated; and in case the said hack, stage, vehicle, horse or horses be condemned by the proceedings of said justice of the peace, the same shall be sold by the order and under the direction Duty of constables.

of such justice, who, after deducting all legal costs, charges and expenses relating to said seizure and condemnation, shall pay one-half of the proceeds of said sale to the county collector of said county, and the other half to the person who shall have seized the said property, and prosecuted the same to condemnation.

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

Approved, April 11, 1867.

CHAPTER CCCCXXX.

A further supplement to the act entitled "An act to incorporate the town of Orange," approved January thirty-first, anno domini eighteen hundred and sixty.

Streets and
sidewalks. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council shall have power, by ordinance, to lay out a street and sidewalk, of such suitable widths as they may see fit, along the southern side of the military common, and to connect the same with the highway known as Main street; which new street and sidewalk may be graded, worked, curbed, flagged, paved, or otherwise improved, in the same manner as other streets and walks in the town.

Military
common. 2. *And be it enacted*, That the common council shall have power from time to time to appropriate money from the road taxes for the decoration and improvement of the said military common.

Width of
central
avenue. 3. *And be it enacted*, That such part of a certain highway known as Central Avenue, lying within the limits of said town, shall be opened, graded and worked by the common council of said town to its full width, in accordance with a map of the grade of said avenue, made by Edward Carter, of the city of Newark, and the roadway of said avenue shall be fifty feet wide, and the sidewalks twenty-five feet on each side, and one-half of the expense of said improvement shall be paid by said town, and the other half shall be assessed by said common council upon the owner or owners of the land and real estate fronting upon said avenue in said town, in proportion to the number of lineal feet owned by them on

said avenue, and said assessment when so made and filed, with the town clerk of said town shall constitute a lien on the property assessed for the amount of such assessment until the same is paid by said owner or owners of property, so assessed as aforesaid.

4. *And be it enacted*, That whenever commissioners shall be appointed for any of the purposes contemplated in said act, or any supplement thereto, all the expenses of such commissioners, including the cost of all work done under their direction, shall be determined by them, and shall be added to and form a part of any sum or sums of money to be assessed or determined by them, and shall thereupon be assessed by them in the same manner, and at the same time, as any such sum or sums of money may be assessed by them, and shall be collected and paid in the same way. Expenses of commissioners to be raised by assessment.

5. *And be it enacted*, That the common council shall have authority to offer rewards from time to time, of such amount or amounts as they may see fit for the apprehension and conviction of burglars or other persons engaged in crime; which rewards are to be added by the council to the amount to be raised yearly for other town purposes, and are to be assessed, levied and collected in the same manner. Rewards.

6. *And be it enacted*, That the common council are hereby empowered to borrow a further sum or sums of money, not to exceed in the whole twenty thousand dollars, in addition to the sum or sums now authorized by law, for the purpose of improving the streets, highways and public places of said town by paving the same or otherwise; and to secure and provide for the repayment of such further sum or sums, with interest, in accordance with the terms of the sixth section of the certain supplement to said act, which was approved March sixth, eighteen hundred and sixty-six. Authorized to borrow money.

7. *And be it enacted*, That the common council shall at their first meeting after their election in each year appoint, by ballot, and by a majority of their whole number, the clerk and the marshal of the said town, instead of their being elected as heretofore by the legal voters of the town at large; and that the said clerk and marshal shall hold their respective offices for one year and until others shall be appointed in their stead. Appointment of town clerk and marshal.

8. *And be it enacted*, That all acts and parts of acts, by virtue whereof has been imposed any tax, known as a militia tax, or a tax upon persons liable to do military duty, shall Repealer.

be and are hereby repealed, so far as the same relate to the imposition of any such tax upon persons residing in the said town.

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

Approved. April 11, 1867.

CHAPTER CCCCXXXI.

A further supplement to an act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township committee of each township, and the common council of each town, borough and city in this state shall meet and hold meetings at their usual places of meeting in their respective townships, towns, boroughs and cities, on the third Tuesday in August of each year, for the purpose of examining, revising and correcting the duplicate of assessment to be laid before them in the manner hereinafter provided for.

Annual
meeting of
township
committees

2. *And be it enacted*, That assessors shall hereafter finish making their assessments on or before the third Monday in August of each year.

When as-
sessor are
to finish as-
sessment

3. *And be it enacted*, That the assessors of the several townships, towns, wards, boroughs and cities in this state shall, on the third Tuesday in August of each year, attend the meeting of the committee or council of his township, town, borough or city, and lay before them the duplicate of assessment, to be by them examined, revised and corrected; and that it shall be his duty to remain with said council, for the purpose of explaining the said duplicate, and assisting said committee or council in the discharge of the duties required of them by this act.

Assessor to
attend an-
nual meet-
ing of the
township
committees

4. *And be it enacted*, That said committees and councils respectively shall have power to adjourn from time to time, as they may deem expedient for the purpose of discharging the duties required of them by this act; *provided*, the said

May ad-
journ from
time to time

Provide.

examination, revision and correction shall be made and completed on or before the last Saturday in August of each year.

5. *And be it enacted*, That any member of said committees or councils shall have power to issue subpoenas to bring before said meetings herein provided for, persons and papers to be examined in relation to said assessments. Subpoenas.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act be, and the same is hereby repealed; Repealer. *provided*, that the provisions of this act shall not affect cities or incorporated towns where these matters are given by their charters or special laws. Proviso.

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

Approved April 11, 1867.

CHAPTER CCCCXXXII.

An act to incorporate the Washington Rock Monument Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nathan Harper, William Wolf, Isaac S. Dunham, Theodore J. Gillis, Oliver Runyon, James Clark, Enos W. Runyon, William B. T. Lane, Theodore F. French, Isaac D. Guyer, James M. Frazee and Andrew Vanderbeck, and their successors, be constituted a body politic and corporate in fact and in law, by the name of "The Washington Rock Monument Association," and by that name shall have all the powers incident to corporations in this state. Names of corporators

2. *And be it enacted*, That the said Washington Rock Monument Association shall have power to hold so much real estate, in the summit of the mountain, near Washington Rock, in Warren township, in the county of Somerset, as will be sufficient for the purpose of erecting or causing to be erected thereon a monument to the memory of George Washington. May hold real estate necessary for erecting a monument.

3. *And be it enacted*, That said association shall have the power and authority to make such constitution and by-laws, for the control and government of said association, as they May make by-laws, &c.

Proviso. or a majority of them may determine; *provided*, that such constitution be not contrary to the constitution of the United States nor of the state of New Jersey.

Names of subscribers to be inscribed on monument. 4. *And be it enacted*, That in erecting or causing to be erected the said monument, the said association may take such means for raising funds for the same as they may deem best, and the said monument shall be erected under their direction and superintendence and the name of every person, who shall subscribe to the amount of ten dollars towards the construction of said monument shall be inscribed thereupon.

Act, may be amended or repealed. 5. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act, and that it shall be deemed and taken as a public act and shall take effect immediately.
Approved April 11, 1867.

CHAPTER CCCCXXXIII.

An act to divide the township of Pequanaac, in the county of Morris.

Boundaries of Pequanaac township

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the present township of Pequanaac, in the county of Morris, lying within the boundaries hereinafter next mentioned, that is to say: beginning at a point on the Great Bend of the Passaic river in said township of Pequanaac, south of Tom's Point, and at the mouth of the Big Slank; and running thence in a northerly direction in a straight line to and including the house of Russel D. Howard, and leaving said house on the easterly side of said line; thence in a northerly direction in a straight line to the Morris Canal, at the foot of the Beaver-town Plane; thence in a northerly direction in a straight line to the west side of the house of Peter G. Doremus, and from thence in a straight line to the east side of the Methodist Church at Stony Brook; thence in a northwesterly line, west of the house of Ephraim P. Doland to Bear Rock; and thence due west, to the line of Rockaway township, shall from and after the passage of this act, constitute and be known as the township of Pequanaac, and the inhabitants of the said township of Pequanaac, are hereby constituted a body

politic and corporate, and shall be known by the name of "The inhabitants of the township of Pequanaac, in the county of Morris, 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 present township of Pequanaac are, or may be entitled or subjected to by existing laws of the state.

2. *And be it enacted*, That all that part of the present township of Pequanaac lying within the following boundaries, that is to say: beginning at a point in a line running due west from Bear Rock where the said line crosses the stream which runs to Decker's Forge; and running thence in a southerly direction to the Rockaway river, at the division line between the lands of Isaac H. Kingsland and the widow Doremus; thence following the several courses of said Rockaway river, until it empties into the Passaic river; and thence following the several courses of the Passaic river to the Big Slank, south of Tom's Point; and thence along the lines hereinbefore mentioned, as the boundaries of the township of Pequanaac to the place of beginning shall from and after the passage of this act, constitute and be known as the township of Montville, and the inhabitants of the said township of Montville, are hereby constituted a body politic and corporate, and shall be known by the name of "The inhabitants of the township of Montville, in the county of Morris," and shall be entitled to all the rights, powers, authority, privileges and subject to the same regulations, government, and liabilities, as the inhabitants of the present township of Pequanaac are, or may be entitled or subjected to by existing laws of the state.

3. *And be it enacted*, That all the remaining part of what has heretofore been known as, and has constituted the township of Pequanaac shall, from and after the passage of this act, constitute and be known as the township of Boonton, and the inhabitants of the said township of Boonton, are hereby constituted a body politic and corporate, and shall be known by the name of "The inhabitants of the township of Boonton, in the county of Morris," 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 present township of Pequanaac are or may be entitled or subjected to by existing laws of the state.

4. *And be it enacted*, That Benjamin Roome, of the town-

Names of
commis-
sioners to
run and
mark town-
ship lines

ship of Pequananac, Harrison Van Duyne, of the township of Montville, and Richard Speer, of the township of Boonton, be, and they are hereby appointed commissioners to run and mark the lines of said townships respectively, and that the expenses and reasonable compensation of said commissioners be paid equally by said townships.

Pequananac
township
first meet-
ing where
held.

5. *And be it enacted*, That the inhabitants of the township of Pequananac shall hold their first township meeting at the hotel now kept by John J. Brown, on Pompton Plains on the eighth day of April next, and afterwards in each year at such place as the inhabitants of said townships shall at their preceding annual town meeting determine; at the first township election Samuel Vannest shall act as judge of election, and Benjamin Roome as clerk, and at the first fall election, E. V. G. Vansaund, Jacob Z. Budd, and Lucas B. Mandeville, shall act as inspectors.

Montville
township
first meet-
ing where
held.

6. *And be it enacted*, That the inhabitants of the township of Montville shall hold their first township election at the house now kept as a hotel by William Kanouse, on the eighth day of April next, and afterwards in each year at such place as the inhabitants of said township shall at their preceding annual town meeting determine; at the said first township election, John R. Vandyne shall act as judge of election, and Nicholas H. Jacobus as clerk, and at the first fall election Aaron Vandyne, Samuel Blowers and John T. Brickell shall act as inspectors.

7. *And be it enacted*, That the inhabitants of the township of Boonton shall hold their first township election at Washington Hall, in the village of Boonton, on the eighth day of April next, and afterwards in each year, at such place as the inhabitants of said townships shall at their preceding annual town meeting determine; at said first township election, Edwin E. Willis shall act as judge of election, and Lewis Estler as clerk, and at the first fall election, John L. Kanouse, George S. Esten, Garret V. S. Richards, shall act as inspectors.

Township
committees
to meet,
allot and
divide
township
property.

8. *And be it enacted*, That the township committees of said townships of Pequananac, Montville and Boonton shall meet on Saturday, the twentieth day of April next, at William Kanouse, in Montville, at ten o'clock in the forenoon and afterwards, if necessary, at such times and places as the majority of these present may determine, and then and there by writing signed by a majority of said committee, allot and divide between said townships, such property, if

any, as may be owned by the present township of Pequannac, and such moneys as may be on hand or due or to become due to said township in proportion to the taxable property in said townships respectively as determined by the last assessment of taxes, and each of said townships shall be and remain liable to pay its just proportion of the debts of the present township of Pequannac as the same may exist at the next annual town meeting until the same are fully paid and discharged, such proportion of said indebtedness to be assessed on the inhabitants of said townships respectively in accordance with the laws now applicable thereto.

9. *And be it enacted*, That to provide for the payment by the said townships of Pequannac, Montville and Boonton of their just proportion of the existing debt of the township of Pequannac incurred in paying bounties to volunteers and others, or growing in any manner out of the late war and the interest which may accrue thereon in accordance with the provisions of existing laws relating thereto, the amount of said indebtedness to be paid each year by said townships respectively, shall be ascertained and determined at a meeting of the town committees of the said townships, or a majority thereof, to be held each year until the said debt is paid, at such place as they may agree upon within one week after the time fixed by law for completing the assessments of taxes, such amount to be in proportion to the taxable property and the number of inhabitants liable to a special poll tax for said purpose under existing laws, within each of said townships respectively, as ascertained by the books of the assessor of each township for the current year, which amount when so ascertained, shall be levied and assessed by the said assessors respectively, and it shall be the duty of the assessor of said townships to submit to said committees at such meeting their valuation of the taxable property for the current year, and if in the opinion of a majority of those of said committees who may be present, the valuation of property in any township is too low they shall have power to correct the same and so to increase said valuation as to cause each of said townships to bear its equitable and just proportion of said debt, and the assessment shall in such case be made to conform to the order of said town committees.

10. *And be it enacted*, That until the said indebtedness referred to in the last preceding sections shall be fully paid, Provisions for the payment of debts incurred in payment of bounties. Election of a common treasurer.

the township committees of said townships shall within after the next township election, meet at Washington Hall, in the village of Boonton, and thereafter, alternately in said townships at the place of holding the last township election, and by the vote of a majority of those present shall and may elect a common treasurer to whom it shall be the duty of the collector in each of such townships each year to pay over from time to time, on demand, so much of the money received by him for taxes as shall have been assessed for payment of said indebtedness, which moneys said treasurer shall apply to the payment of the said indebtedness according to the provisions of the present law regulating the same in the township of Pequanaç; said treasurer shall give bonds for the faithful performance of the duties of his office to the inhabitants of the said townships respectively, in such sums as said committees shall respectively direct; shall receive such compensation as may be agreed upon at the time of his appointment, and shall at all times when required by either of said town committees, render an account of the moneys by him received and paid out; the present treasurer of the township of Pequanaç shall hold his office, and any treasurer hereafter appointed shall continue to hold his office until a successor is duly appointed and has given bonds as herein provided.

Proceed-
ings when
any elec-
tion officer
fails to act.

11. *And be it enacted*, That if any person herein named or appointed to act as judge, clerk or inspector of election in either of said townships shall refuse, or for any cause shall fail to fulfil said appointment, the persons who shall attend and who are entitled to vote at such election, shall by a viva voce vote to be taken before the opening of the poll, elect a suitable person to discharge the duties of the person so refusing or failing to act.

Surplus
revenue

12. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said townships of Montville and Boonton in and to their just and legal proportion of the fund known as the surplus revenue and the interest due or to become due thereon.

Persons
holding
office not to
be affected
by this act.

13. *And be it enacted*, That nothing herein contained shall be construed to interfere with the persons holding office in that part of the said township of Pequanaç set off and called the township of Montville, and in that part set off and called the "township of Boonton," but all such persons shall continue to hold and enjoy such office and discharge the duties thereof until the said offices expire by their own limitation.

14. *And be it enacted*, That the townships of Pequana^{Assembly}c, Montville and Boonton shall form part of the second as-^{district.}sembly district of the county of Morris.

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

Approved April 11, 1867.

CHAPTER CCCCXXXIV.

An act to incorporate the Cherry Hill Gas and Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Johannes Lienan, Godfrey W. Zingsem, Andrew D. Mellick, John J. Van Buskirk and Charles H. Voorhees, and such other persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Cherry Hill Gas and Water Company" and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

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

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least ten days notice of the same in a newspaper published in the county of Bergen, and that at the time of subscribing, five per centum shall be paid for each share subscribed for to the commissioners, and as soon as twenty thousand dollars of the capital stock shall be subscribed and paid in, such commissioners or a majority of them, shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state, and such

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

Company
not to be
dissolved
by failure
to elect.

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

Installments

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct; and in case of the non-payment of such 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 meet, and to

establish and fix such salaries to said officers, clerks and servants as to the said board shall appear proper, and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties as they may think right and proper.

6. *And be it enacted*, That said corporation shall have power and authority to make, build, construct and erect any and all buildings, tanks, reservoirs, works and machinery, for the manufacture of gas, for lighting streets, buildings, manufactories and other places, from coal or other materials, and necessary and requisite to supply the inhabitants of the village of Cherry Hill and places adjacent thereto with water and with gas, and shall have power to erect gas posts, burners and reflectors in the streets, roads, alleys, lanes and avenues in the said village and places adjacent thereto, and to lay down gas and water pipes or pipe for conducting the water and the gas in the streets, roads, alleys, lanes and avenues of said village and places adjacent thereto; and said corporation shall have power to do all other things necessary to light the said village and the places adjacent thereto, and the dwellings, stores, factories and other places in said village and places, and to supply the inhabitants thereof with water and gas; *provided*, that public travel shall at no time be unnecessarily affected or impeded by the laying of said pipes, or the erection of said posts, and the streets, roads, side and cross walks, lanes, alleys and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts. May build and construct gas works.

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

May borrow
money.

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

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

Approved, April 11, 1867.

CHAPTER CCCCXXXV.

An act to incorporate the Long Branch Reservoir and Water Power Company.

Names of
cooperators

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That Joseph H. Cooper, John Hoey, Charles Chamberlain, Samuel Laird, O. S. Bright, E. Boudinot Colt, Charles A. Stetson, I. Lester Wallack and Francis Corlies, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors shall be and they are hereby incorporated and made a body politic and corporate in fact and in law, by the name of "The Long Branch Reservoir and Water Power Company."

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with liberty to increase 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 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 and appoint, and in case of the failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her shares 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.

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 at Long Branch as they or a majority of them may think proper, giving notice thereof at least ten days prior to the time for receiving said subscription by publishing the same for ten days in some newspaper published and circulating in said town, and 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 five directors, a majority of whom shall reside in the township of Ocean, and who shall hold their offices for one year and until others shall be elected.

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 money paid in, first deducting the expenses of the said commissioners 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.

5. *And be it enacted*, That the affairs of the company shall be managed by five 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 convenient and necessary, and make all such 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.

6. *And be it enacted*, That the said company shall have power to purchase and hold such real estate, and to construct, keep and maintain such mills, reservoirs, aqueducts, pipes, waterworks, fixtures, and apparatus as may be necessary or useful to supply the town of Long Branch and the surrounding county, with good and wholesome water in

quantities sufficient for all the purposes which may conduce to the safety, health and comfort of the citizens.

Hydrants
and fire
plugs.

7. *And be it enacted*, That the company be and they are hereby authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes and alleys of said town, free of all charge, and to place such hydrants and fire plugs as may be necessary, along and on the same, the tapping of the main, and the insertion and placing of all branch pipes, to be under the sole control of said company, by such persons as they may employ and appoint.

Penalty for
injury to
works.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said company, such person or persons shall forfeit and pay therefor to the said company, double the amount of damages to be recovered in an action for debt, in any court having cognizance thereof.

Water rents

9. *And be it enacted*, That the said company may sell and dispose of the water to be conveyed by the pipes, under such regulations and upon such terms and conditions as they may by their by-laws, from time to time, regulate and adopt.

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

Approved April 11, 1867.

CHAPTER CCCCXXXVI.

An act to establish a special police force in Ocean township, in the county of Monmouth.

Special
police to
have con-
stabulary
powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of maintaining and preserving peace, good order and decorum in and around the several hotels and boarding houses in the township of Ocean and among the visitors at the same, it shall be lawful for the proprietor or proprietors of said several hotels and boarding houses, to appoint from time to time, between the first day of June and the first day of October of each and every year, one or more fit, proper, and discreet person or persons, who shall take and subscribe before one of the judges of the court of common pleas in and for said county, an oath or affirmation, which oath or affirmation shall be

filed in the office of the clerk of said county, and shall be of like form and effect as now required by law for constables to take and subscribe, and which person or persons so appointed and sworn, shall possess the same power and authority on the premises and on the premises adjacent thereto, between the said first day of June and the first day of October of each year, which constables now possess in criminal cases; and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with any of the rules or regulations of said hotels or boarding houses, and the said parties so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county, there to be dealt with according to law.

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

Approved April 11, 1867.

CHAPTER CCCCXXXVII.

Supplement to "An act respecting the Office of Treasurer," revision 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 words "chartered banks of this state," in the eleventh section of the act to which this is a supplement shall be construed to mean banks established in pursuance of the act of congress of the United States and known as "national banks," as well as banks chartered by the legislature of this state.

Chartered
banks of
this state to
be known as
national
banks.

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

Approved April 11, 1867.

CHAPTER CCCCXXXVIII.

A further supplement to the act entitled "An act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey."

Extra compensation to the officers of the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the secretary of the senate and the clerk of the house of assembly the sum of six hundred dollars, in addition to the present compensation allowed by law; to the assistant secretary of the senate and assistant clerk of the house of assembly the sum of four hundred dollars, in addition to the present compensation allowed by law; to the engrossing clerks of the house of assembly and senate the sum of four hundred dollars, in addition to the present compensation allowed by law; and to John F. Robbins, employed during the present session as journal clerk of the senate the sum of four hundred dollars; and to the journal clerk of the house of assembly the sum of four hundred dollars; to the sergeant-at-arms of the senate and house of assembly the sum of two hundred and fifty dollars, in addition to the present compensation allowed by law; and to each of the pages of the senate and house of assembly the sum of fifty dollars, in addition to the compensation now allowed by law; and to the page of the president of the senate two hundred and fifty dollars.

2. *And be it enacted*, That this act shall apply only to the officers of the senate and house of assembly.

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

Approved, April 11, 1867.

CHAPTER CCCCXXXIX.

An act to incorporate the Elizabeth Port Wharf and Coal Company in the county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become sub-

scribers to the capital stock hereinafter mentioned, their successors and assigns shall be, and they hereby are created and made a corporation and body politic, in fact and in law, by the name of the "Elizabeth Port Wharf and Coal Company."

Corporate name.

2. *And be it enacted*, That the capital stock shall consist of five hundred shares of one hundred dollars each, with liberty to increase the same to five thousand shares of one hundred dollars each, transferable in such manner as the said corporation shall direct.

Amount of capital stock.

3. *And be it enacted*, That Amos Clark, junior, Samuel Bonnell, junior, and John B. Norton, be and they hereby are appointed commissioners to receive subscriptions to the capital stock of said corporation, and they or a majority of them shall open books of subscription to such stock at the city of Elizabeth, in the county of Union, at such time and place as they or a majority of them shall appoint, and shall attend and receive subscriptions.

Names of commissioners to receive subscriptions.

4. *And be it enacted*, That when the capital stock of said corporation to the amount of fifty thousand dollars par value shall be subscribed, and ten per centum thereof paid in, the said commissioners shall close the books and hold an election for directors of said corporation, first giving notice of such election one week previously in a newspaper published at Elizabeth; that five directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election and all subsequent elections one vote for every share of stock owned by him, that said five directors shall constitute the first board of directors, and the same number or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board between the elections the remaining directors shall have power to fill the vacancy; that the directors so elected shall hold their offices for one year, and until their successors shall be elected.

Election of directors.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall determine.

President.

6. *And be it enacted*, That the said commissioners shall deliver to said board of directors when elected, the subscription books of said corporation and all moneys received by them for such subscriptions; the said directors shall by their by-laws appoint an annual election for directors; but in case of failure to hold such election upon the appointed

Directors to be elected annually.

day said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Payment of instalments 7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital and for any assessment thereon; and in case of any failure to pay such subscription to original or increased capital stock, or to pay any assessment at such times as they may appoint, the said board may, after four weeks' notice in a newspaper published in the county of Union, declare the said stock and all previous payments thereon forfeited to the corporation, and such stock and all previous payments thereon, and all rights to the same, shall be forfeited and belong to said corporation.

Corporation how dissolved. 8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice published once a week for four successive weeks in a newspaper published in the county of Union; and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

May hold real estate. 9. *And be it enacted*, That the said corporation shall have power to transship, transport, manufacture and deal in coal, lumber, iron, and other materials, and to mine coal, iron, and other ores, and for such purposes to buy and hold, sell and convey, lease and mortgage the necessary real and personal property.

May lay out and construct road. 10. *And be it enacted*, That the said corporation shall have the right and power to survey, lay out and construct, a railroad not exceeding one mile in length from the wharf property at Elizabethport, conveyed to Theodore F. Hunt, and occupied by said corporation to some point on the railroad of the Central Railroad Company of New Jersey, such road not to exceed forty feet in width, and to take and hold what lands may be necessary for such purpose; and said corporation by its officers, agents and servants may enter upon all lands necessary to enable it to survey and lay out said road, they doing no unnecessary damage to private property, and after they shall have obtained by voluntary agreement the

right and title to, or use of the necessary lands, or in case of their failure to make with the owners or parties interested a voluntary agreement, then after they shall have obtained such right, title and use, in the manner hereinafter provided, it shall be lawful for the said corporation, and they are hereby fully empowered to construct, maintain, work and use the said road.

11. *And be it enacted*, That if the said corporation cannot agree with the owners of any such required lands or the parties interested therein, for the use or purchase thereof, or in case the owners or parties interested, shall refuse or neglect to accept or act upon an offer of the said corporation, to submit to the arbitration of those residents and freeholders of the county of Union, of the value of said required lands, and damage done by the location and construction of said railroad over the same, one arbitrator to be named by the corporation, one by the owner or owners of the said lands, and the two thus chosen to select a third, the decision of a majority of whom to be conclusive and binding upon both parties, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said corporation in the construction of the said road, and impossible to be obtained by the means or by reason of the disabilities aforesaid, shall be given in writing under oath or affirmation of some engineer or proper agent of said corporation, and also the name or names of the occupant or occupants if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said corporation to give notice thereof to the person or persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct for any term not less than ten days and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders resident of the county of Union in this state, commissioners to examine and appraise the said lands and assess the price or value of the same, and the damages sustained by the owner thereof, and such notice of the sitting of such commissioners not less than ten days, shall be given

Proceed
ings when
company
and owners
cannot
agree.

to the persons interested, or to be published as aforesaid as shall be directed by the judge making the appointment of commissioners, and it shall be the duty of said commissioners having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to view and examine said lands and to make a just and equitable appraisement or estimate of the value of the same and an assessment of the damages thereto, which shall be paid by the corporation for such land and damages aforesaid, which report shall be in writing, under the hands and seals of said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths or affirmations aforesaid in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found with the costs adjudged, being first paid as hereinafter mentioned, shall at times be considered as plenary evidence of the right of said corporation to have, hold, use, occupy, possess and enjoy the said land, and either of the justices of the said court shall on application of either party, on reasonable notice to the others, tax and allow such fees, costs and expenses to the justice, commissioners, and clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and order and direct the same to be paid by said corporation.

Proceed-
ings in case
of appeal.

12. *And be it enacted*, That in case the incorporation, or the owner or owners of the lands shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power, upon good cause shown, to set the same aside and thereupon direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in said court are tried; and it shall be the duty of the said jury to assess the

value of the said land and damages sustained as aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the owner or owners, then judgment thereon with costs shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the corporation shall have offered or the said commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the corporation from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, or residing out of this state, the same being first paid into the court of chancery.

13. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient passages over said railroad where any street, public road or other road now in use or hereafter shall cross the same, so that the passage of carriages, horses and cattle on the said road, shall not be impeded thereby; *and further*, that for all injuries and damages to property, real or personal of any person, by reason of the neglect, carelessness, intent or act of the said corporation, their agents or employees, the said corporation shall become and be responsible therefor, and liable to pay the same, to be recovered in any court of record of competent jurisdiction in the state.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road or any buildings, machinery or works of said corporation, such persons or persons shall forfeit and pay therefor, to the corporation, the sum of fifty dollars in addition to three times the amount of damages, to be recovered in the name of the corporation with costs of suit in any court having cognizance of the same.

15. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road hereby authorized, the title to such lands shall fail or it shall appear that the title to lands necessary for said roads has not by any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore pro-

Bridges to
be kept in
repair.

Penalty for
injury to
machinery
or works.

Proceed-
ings in case
of error or
mistake in
acquiring
title.

vided and directed, to acquire the right and title to any such lands.

May make
contracts.

16. *And be it enacted*, That it shall be lawful for the said corporation to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

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

Approved April 11, 1867.

CHAPTER CCCCXL.

A supplement to an act entitled "An act to incorporate the Washington and Cranberry Turnpike Company."

Original act
to stand re-
vised on
payment of
assessment
as required
by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the parties interested in said act to which this is a supplement shall pay into the state treasury the sum thereon assessed and declared to be payable on the same, by an act entitled "An act to increase the revenues of the state of New Jersey," on or before the first day of July next ensuing the passage of this supplement, then the said act to which this is a supplement shall be good and operative, and have the same force and effect as if the said assessment had been paid before the first day of July, anno domini, eighteen hundred and sixty-six.

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

Approved April 11, 1867.

CHAPTER CCCCXLI.

A further supplement to an act entitled "An act to authorize the inhabitants of School District No. Three in Union Township, Camden County, to raise money to build school

houses and for the support of public schools," approved March seventh, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement approved March ^{Repealer.} thirty, eighteen hundred and fifty-five, and applying to school districts number two and number three in the township of Union, in the county of Camden, be, and the same is hereby, repealed, so far as the same conflicts with the act entitled "An act to establish a system of public instruction;" and that the provisions of the said act last recited be held to apply in all particulars to the public schools of the said township of Union, in the county of Camden, and that all acts or parts of acts inconsistent with the provisions of said act to establish a system of public instruction, so far as that act applies to said township of Union, be, and the same hereby are, repealed.

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

Approved April 11, 1867.

CHAPTER CCCCXLII.

An act to authorize the construction of a pier and railways at Keyport.

WHEREAS, Benjamin C. Terry, of the township of Raritan, ^{Preamble.} in the county of Monmouth, and state of New Jersey, hath represented that he is the owner of certain lands situate in said township, adjoining the waters of the Raritan Bay, and prayed that a law may be passed, authorizing him to build, maintain, and keep in repair, a pier and set of railways, to be used in building, repairing and overhauling vessels,

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful ^{May build piers and railways to be used in building vessels, &c.} for the said Benjamin C. Terry, John L. Terry, and James E. Terry, and their assigns, to build, maintain and keep in repair a pier and set of railways, to be used in building, repairing and overhauling vessels, and such other uses as they may deem expedient, upon and in front of the lands of Ben-

jamin C. Terry, in said township of Raritan, the said pier and railways, extending a sufficient distance into said Raritan Bay, for the necessities of said business of building, repairing and overhauling vessels, and to drive piles wherever it may be needful for the prosecution of said business in front of the lands of said Benjamin C. Terry; *provided*, the said pier, railways and piles shall not obstruct the navigation of said bay; *and provided*, that this act shall not affect the legal rights of any person whatever, or of the state of New Jersey.

Proviso.

Proviso.

Damages to be given for injury to works.

2. *And be it enacted*, That if any person or persons shall wilfully destroy, or by carelessness, want of skill, or negligence in any way may impair or damage the said pier, railways or piles, such person or persons so destroying or injuring said pier, railways or piles, shall be responsible for all such damages, to be recovered in an action of trespass or trespass on the case before any court having competent jurisdiction of the same.

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

Approved April 11, 1867.

CHAPTER CCCCXLIII.

A further supplement to an act entitled an act to incorporate the city of Hudson, approved April eleventh, eighteen hundred and fifty-five.

Proceedings when application is made to vacate any street or avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when application shall be made to the said common council to vacate any street or avenue, or any part or section of any street or avenue, as prescribed by a supplement to the act to which this is a supplement, approved March eighteenth, eighteen hundred and sixty-three, the provisions of the act to which this act is a supplement, in regard to the opening, altering or widening any street, and the assessments therefor, their collection and payment except as herein changed, shall apply to such vacating, that it shall be the duty of the board of commissioners of assessments, when such improvement shall be ordered, to determine what lands and real estate will be benefitted

by said improvement, and also what lands and real estate (if any) will be damaged thereby, according to the best of their judgment, and shall cause a survey and map to be made of the street or part of a street so vacated, and of the lots and parcels of land benefitted and damaged thereby, distinguishing each lot or parcel by numbers on said map, together with the names of the owners of said lots as far as practicable, and shall file their report of the same and map, as now required in cases of opening any street in said city, and that such report in cases of vacating streets, be in lieu of the report authorized by the forty-fifth section of the act to which this act is a supplement.

2. *And be it enacted*, That when application shall be made to the said common council for any improvement authorized by the forty-second section of the act to which this act is a supplement, it shall be the duty of the common council before application shall be granted, to refer such application to the board of commissioners of assessment, who shall thereupon report to said common council the limits beyond which the assessment for said improvement shall not extend.

Applications for improvement how referred.

3. *And be it enacted*, That for constructing main sewers, one-fourth of the whole expense thereof shall be paid out of the city treasury, and that the appropriation for street repairs shall include such expenditure, and the balance to be assessed as by the charter now directed.

4. *And be it enacted*, That when the said common council shall cause to be laid out or opened, any street or avenue easterly of Hudson avenue, or easterly of Palisade avenue as empowered by a supplement to the act to which this act is a supplement, approved March twenty-fourth, eighteen hundred and sixty-four, it shall be lawful for said common council to erect or maintain and keep in repair on the same, such flights of stairs or steps of stone or iron, or both, or combined as in their estimation may be required, for the purpose of enabling travellers and pedestrians to ascend and descend the ridge existing near the easterly boundary of the city, the expense for the erection of which, shall be assessed in the same manner as for any improvement in section forty-second of the act to which this act is a supplement, and according to second section of this supplement, and the expense for maintaining and keeping in repair shall be paid out of the city treasury, and that the appropriation for street repairs shall include such expenditure.

Flights of stairs or steps to be erected and kept in repair.

Width of
street.

5. *And be it enacted*, That when a street called Willow court shall be extended by opening the same, from a point one hundred and thirty feet more or less north of Prospect avenue to said Prospect avenue, the same shall be opened of the same width as the other portion of said street now is, and of no other width.

Boundaries
of tract of
land annex-
ed to city.

6. *And be it enacted*, That the following described tract of land, on and near the easterly boundary of said city, is hereby annexed to said city, and shall be included within the corporate limits of the same, that is to say, all that certain tract of land beginning at a point in the south-easterly side of the Hoboken turnpike, at the turn in the same at the foot of the hill; thence running in a straight line along the foot of the hill to the centre of the Paterson and New York plank road; thence along the centre of the said Paterson and New York plank road to a point where the southerly line of Ninth street, as laid down on a map of the property of John G. Coster, deceased, if produced, would meet the said centre line of said Paterson and New York plank road; thence along the said southerly line of Ninth street produced to the westerly line of the said Coster property, as laid down in said map; thence along the said westerly line of the said Coster property the various courses thereof to the southerly side of the tide bank on the southerly side of the Hoboken turnpike; thence along the southerly side of the said tide bank to the bridge near the foot of the hill; thence along the southeasterly side of the said Hoboken turnpike to the point of beginning; and that the plot of land embraced within the boundaries aforesaid be, and the same is hereby, annexed to the third ward of said city.

Contracts.

7. *And be it enacted*, That no officer of the city shall, while holding such office, be engaged in any contract, work or business, the compensation for which shall be paid from the city treasury.

Fees of city
clerk in
writs of cer-
tiorari.

8. *And be it enacted*, That in all cases in which writs of certiorari to remove the proceedings of the common council or their subordinate officers in which the papers shall be filed with the city clerk, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, on presenting the same at the rate of ten cents per folio for the necessary returns thereto, besides the expenses incurred if any, for surveyors' fees or maps.

9. *And be it enacted*, That all acts and parts of acts incon-

sistent with this act are hereby repealed, and this act shall take effect immediately. Repealer

Approved April 11, 1867.

CHAPTER CCCCXLIV.

An act for the better securing the rights of Married Women.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any married woman to cause suit to be brought in any court of record in this state, for the redress of any wrong she may have heretofore suffered, or shall hereafter suffer, or for the recovery of any right withheld from her, and for that purpose to cause the name of her husband to be joined with her own in said suit or action, though without his consent; *provided*, that before commencing any such action, such married woman suing without such consent shall file in the office of the clerk of said court a bond, made by some competent person, with sufficient freehold security to be approved by said clerk, in the penalty of at least three hundred dollars, given to the defendant in said suit, and conditioned that if any judgment or decree be rendered against the plaintiff in such action, the obligors in said bond will pay to said defendant all costs which may be taxed against the plaintiffs therein; *and provided further*, that this act shall not apply to actions brought by married women who shall not at the time of bringing the same be living separate from their husbands, through abandonment or otherwise. Married women may bring suits for redress of wrongs. Proviso.

2. *And be it enacted*, That it shall not be lawful for the husband of any married woman on whose behalf such action shall be commenced to control, discontinue, release or in any way interfere with such action, but the same shall proceed and be under the control and direction of said married woman, as if she were a feme sole; and if in such action, judgment or decree shall be rendered for the defendants, such bond shall be delivered to said defendant thereon for prosecution, and no execution for costs shall be allowed upon such judgment or decree. Defendants not to be allowed costs on judgment or decree. Proviso.

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

Approved April 11, 1867.

CHAPTER CCCCXLV.

A further supplement to "An act to reorganize the Courts of law," approved February ninth, one thousand eight hundred fifty-five.

Place and
time of
holding
courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the fourth day of July next the regular terms of the courts in and for the county of Cape May shall be held at Cape May court house, and commence on the fourth Tuesdays of September and April, and the third Tuesday of December in each and every year.

Repealer.

2. *And be it enacted*, That the act entitled "A further supplement to "An act to reorganize the courts of law," approved February ninth, one thousand eight hundred and fifty-five, which said supplement was approved April fifth, eighteen hundred and sixty-five, be, and the same is hereby repealed.

Approved April 11, 1867.

CHAPTER CCCCXLVI.

A supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state, approved April sixteenth, eighteen hundred and forty-six.

Compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of "one dollar for each day," provided by the thirty-sixth section of the act to which this is a supplement, for each of the members of the respective boards of chosen freeholders of the

several counties within this state, be, and the same is hereby, increased to the amount of two dollars for each day.

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

Approved April 11, 1867.

CHAPTER CCCCXLVII.

An act to incorporate the Bergen Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Huyler, George Fair, Jacob Hopper, James G. Brinkerhoff, Henry S. Moore, William I. Stewart, George Dayton, I. P. Cooper, George H. Woodward, R. Shugg, Henry Kip, George Kingsland, H. Van Winkle, B. Frazee, Robert W. Rutherford, I. G. Van Riper, H. Bugellen, I. Ruttinger and A. F. Gautz, all of Bergen county, and their successors are constituted and created a body corporate and politic, by the name of "The Bergen Savings Institution," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and shall be located in the county of Bergen in this state.

Names of
corporators

2. *And be it enacted*, That it shall be lawful for the said corporation to purchase, hold, sell and convey real and personal property for the following purposes, and no other:

May hold
real estate
for certain
purposes.

First. Such as may be required for its immediate accommodation for the convenient transaction of its business.

Second. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

Third. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned.

3. *And be it enacted*, That all such real and personal property shall be sold by the said corporation within five years after the title to the same shall be vested in it by purchase or otherwise; and that said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, or commodities whatever, except in the cases where

When real
and personal
property
shall be
sold.

it is authorized to do so by the terms of this act, and except in such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Trustees.

4. *And be it enacted*, That the business of said corporation shall be managed and directed by the persons named in the first section of this act, and their successors, who shall be a board of trustees, and who shall elect from their number a president, a vice-president, and such other officers as they may see fit; that seven of the said trustees, of whom the president or vice-president shall be one, shall form a quorum for the transaction of business; that the affirmative vote of at least five members of the board shall be requisite in making any order for or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Compensation not allowed.

5. *And be it enacted*, That the trustees of said corporation shall not, as such, directly or indirectly, receive any payment or emolument for their services.

Vacancies in board of trustees how supplied.

6. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of the said corporation, that all vacancies by death, resignation or otherwise, in the office of trustee shall be filled by the board by ballot, without unnecessary delay, and at least seven votes shall be necessary for the election of any trustee, that said trustees shall hold a regular meeting at least once in each month, to receive the report of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary, that every trustee, omitting to attend the regular meetings of the board for six months in succession may thereupon at the election of the said board be considered as having vacated his place and a successor may be elected to fill the same, *provided also*, that the chancellor of this state, or any justice of the supreme court, may at any time for due cause remove any trustee, on ten days written notice of application therefor given to such trustee.

Proviso.

Business and object of corporation.

7. *And be it enacted*, That the general business and object of this corporation shall be to receive on deposit, such sums of money as may be, from time to time, offered therefor, by all persons, including therein married women and minors, and investing the same in the securities, or stocks, or bonds of the United States, or of this state, or of any

county, city, town or township, authorized to be issued by the legislature of this state, or in such other manner as authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives, that the said corporation shall receive as deposits from the persons above described, all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which money shall as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe; that said regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, and shall not be altered so as to affect any deposit previously made; that the president, vice-president, trustees, officers, or servants, or any of them, shall not directly or indirectly borrow the funds of said corporation or its deposit, or in any manner use the same, or any part thereof, except to pay necessary expenses under the direction of said board of trustees; that all certificates or other evidences of deposit, made by the proper officer of such corporation shall be as binding on the corporation as if they were made under their common seal; that it shall be the duty of the said trustees to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses; that whenever it shall appear that there is an excess of two and a half per centum on the whole amount of deposits in the possession of said corporation, after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation, and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably among the depositors in such manner as the board of trustees shall direct; that no moneys deposited in the said institution shall be invested, except in the securities of stocks and bonds mentioned in this section, in opposition to the vote of any trustee, but by the consent and approbation of two-thirds of the trustees present at a regular meeting, money may be loaned

Deposits.

Interest to
be allowed
on deposits.

on unencumbered productive real estate, with at least double the amount to be secured thereby; that in all cases of loans upon real estate a sufficient bond or other satisfactory personal security shall be required of the borrower; that all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, and all taxes, state, national or otherwise upon such loans shall be paid by such borrower; that it shall be the duty of trustees of said corporation to invest, as soon as practicable, in said stocks or bonds, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits with said institution, which fund they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, or in such available form as the trustees may direct.

May make
by-laws,
rules and
regulations

Provide.

8. *And be it enacted*, That the board of trustees shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties and the mode of discharging the same, for the regulation of the times of the meetings of the trustees and officers, and generally for transacting, managing and directing the affairs of the corporation; *provided however*, that such by-laws, rules and regulations shall not be repugnant to this act, to the laws or constitution of this state or those of the United States.

Security to
be given.

9. *And be it enacted*, That the subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and shall receive such salaries as the said board shall from time to time fix.

Corporate
powers con-
ferred

10. *And be it enacted*, That the provisions of the act of the legislature of this state, entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and of the supplements thereto, are hereby made a part of this act.

Annual
report
to be made.

11. *And be it enacted*, That said corporation shall on the second Tuesday of January in each year hereafter, make a report, under oath of its president or other trustee, to the legislature of this state of their funds and investments.

12. *And be it enacted*, That the books of the said corporation shall at all times during their hours of business, be

open for inspection and examination to the comptroller of this state, and such other persons as the legislature or the comptroller shall designate or appoint as their agent for that purpose, that whenever any agent shall be appointed to make any such examination, he shall be paid for his services by said corporation, such sum as the comptroller shall certify to be reasonable and just.

Books to be open for inspection to the comptrollers.

13. *And be it enacted*, That whenever any deposit shall be made by any minor or married woman, the trustees of the said corporation may at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same, but the check, receipt or acquittance of such minor or married woman shall be as valid as if the same was executed by the guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor, or if the same was executed by the husband of such married woman.

Deposits by minors.

14. *And be it enacted*, That the board of trustees shall also in their annual report to the legislature of this state, report the aggregate amount of deposits on hand, with the interest that had accrued thereon, and also the unclaimed deposits on which at least the sum of ten dollars shall then be due, and which shall have been deposited by persons who have not within the two years next preceding said report, made a deposit or received a dividend or payment from said corporation, and shall publish the same in one of the newspapers published in the county of Bergen.

Report of deposits and accrued interest to be made.

15. *And be it enacted*, That the misnomer of the said corporation, or of any persons or corporations doing business with said corporation, in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties thereto.

Misnomer not to vitiate.

16. *And be it enacted*, That the chancellor of this state, or any justice of the supreme court, may at any time on the application of any trustee or depositor of said institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons commissioners to examine into the investments thereof, and its affairs and business generally, that the books, papers and business of said corporation shall be open and subject to the examination of such commissioner or commissioners, and the trustees, officers, and clerks thereof, or any other person may be

Chancellor may appoint commissioners of examination.

examined on oath by such commissioner or commissioners, and the said chancellor or justice may confer such further powers on such commissioner or commissioners as he may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation, that the commissioners shall report the result of their investigation to said chancellor or justice, who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said chancellor or justice shall deem expedient.

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

Approved April 11, 1867.

CHAPTER CCCCXLVIII.

An act to incorporate the National Live Stock Insurance Company.

Names of
corporators

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James F. Dane, John Davidson, John F. Cabot, George F. Steahlin, William D. Chetwood, William Stiles and Harrison Price, junior, and all others who may become associated with them as stockholders as is hereinafter provided, their successors and assigns, be and they are hereby created and made a body corporate and politic, for the purpose of insuring horses, cattle and other live stock and for other purposes hereinafter mentioned, by the name of "The National Live Stock Insurance Company," and by the said name shall be and are hereby empowered to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every description, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded in all courts of justice, to have and to use a common seal, and the same to change, alter and renew at pleasure, and to ordain and enforce such by-laws and regulations as they may deem proper for the well ordering

and government of said corporation, and the transaction of its business; *provided*, they be not repugnant to the laws of the United States, or of this state, or to the provisions of this act of incorporation.

2. *And be it enacted*, That the capital stock of said company shall be not less than fifty thousand dollars, with power to increase the same in accordance with the provisions of the by-laws to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid by each stockholder of said company at the time of subscribing for his stock, the sum of five dollars on each share of stock so subscribed for, and five dollars within thirty days after the first election of directors; the balance due on each share to be paid in such instalments as the board of directors shall provide.

Amount of capital stock.

3. *And be it enacted*, That the business of said corporation shall be the insuring of horses, cattle and other live stock, against theft or death by disease or accident, in such manner and under such regulations as the said corporation may by its by-laws provide, and the said corporation is hereby authorized to obtain such reinsurance of risks as they may deem desirable.

Business of the corporation.

4. *And be it enacted*, That the office of said corporation shall be located in the city of Elizabeth, and that the business of said corporation shall be conducted by a board of not less than three, nor more than nine directors to be chosen by the stockholders at the annual meeting under the provisions of the by-laws; the president, secretary and treasurer, and such other officers as the by-laws may specify, shall be elected by the board of directors, and the directors and all other officers of the said corporation, shall hold their offices for one year or until their successors shall have been elected and qualified, and that each stockholder at every election shall be entitled to cast in person or by proxy, one vote for each share of stock held by him or her.

Location of office.

5. *And be it enacted*, That the corporators hereinbefore enumerated shall be, and they are hereby constituted commissioners to open books and receive subscriptions to the capital stock of said corporation, and shall, on the payment of the first instalment upon said stock, give ten days' notice of an election of directors of said corporation by publishing the same for two successive weeks in one of the newspapers published in said city of Elizabeth.

Commissioners to receive subscriptions to capital stock.

6. *And be it enacted*, That for the purpose of protecting the

Penalty for counterfeiting brands. insured and of preventing frauds, the said corporation shall have power to brand each and every animal by them hereafter at any time insured, in such manner as the board of directors may determine; and that if any person shall counterfeit the brand used by said corporation or use the same without authority, the person so offending shall forfeit the sum of one hundred dollars for each offence, to be recovered in an action of debt in any court of competent jurisdiction, one-half to be paid to the informer and one-half to the overseer of the poor of the city or township wherein the said offence may be committed.

Corporation may not engage in banking business

7. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the legislature, and nothing contained therein shall be so construed as to authorize said corporation to engage in the business of banking.

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

Approved April 11, 1867.

CHAPTER CCCCXLIX.

Supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Commission of sinking fund may appropriate monies to the redemption of bonds

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners of the Jersey City Sinking Fund to appropriate the monies raised by virtue of an act entitled "Supplement to an act entitled 'An act to incorporate Jersey City,'" which said supplement was approved March seventeenth, eighteen hundred and sixty-five, to the payment and redemption of the principal of such of the bonds issued by the said "The Mayor and Common Council of Jersey City," as to the said commissioners may deem advisable or proper, whether such bonds have been issued as evidence of indebtedness for purposes relating to the maintenance of the federal government or for other purposes authorized by the act to which this act is a supplement.

Repealer.

2. *And be it enacted*, That all acts and parts of acts in any-

wise conflicting with this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved, April 11, 1867.

CHAPTER C C C C L.

An act to lease certain lands of the State to the Newark and New York Railroad Company, and to enlarge the powers of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey doth hereby lease to the said the Newark and New York Railroad Company, for the term of fifty years from the date hereof, all the lands bounded as follows: beginning at a point in the Hudson river, in the line of the seventh course in the tract described in the act approved March fourteenth, eighteen hundred and sixty-seven, entitled "A further supplement to the act entitled 'An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers,'" passed December thirty-first, eighteen hundred and twenty-four, five hundred feet westerly of the easterly end of said seventh course; thence westerly parallel with South street, in Jersey City, one thousand feet; thence southerly at right angles with the last mentioned line two hundred and fifty feet; thence easterly parallel with South street, in Jersey City, one thousand feet; thence northerly two hundred and fifty feet to the place of beginning, containing about five acres and three-quarters of an acre; and also grants to said company the privilege to occupy the same for the purposes of said railroad, for depots, tracks, ferries and otherwise; and also the privilege of constructing tressel-work (on which to lay the tracks of their railroad, constructed in such manner that the tide waters now permitted to flow there may flow under the same), from the high water mark at Communipaw, as it was prior to any reclamation of lands under water, made within the last five years, to the lands above leased, said tressel-work and tracks not to exceed sixty-six feet in width, and to be in line with the northerly and southerly boundary lines of the lands hereby leased; and no grant of land under water in front

Boundaries
of lands
leased by
the state.

of said lands hereby leased, or of a right to build docks, wharves or piers on said front, or to otherwise interfere with the advantages of the water front of said leased lands in the Hudson river, or with the ferry right of this company, from and to said leased lands, to and from New York and elsewhere, shall be made by the state of New Jersey during said term.

Conditions.

Proviso.

2. *And be it enacted*, That the said lease is made upon the condition, that the said company shall pay into the treasury of this state annually, on the first day of April of each year hereafter, during the said lease, the sum of five thousand dollars; *provided however*, that the said company for its own protection against the claims of any individual or corporation, to any part of the land hereby leased, or to any part of the lands which are now or within five years last past, were below ordinary high water mark, over which privileges are granted by this act, may pay the said rent into the supreme court of this state, and prior thereto, or afterwards, give ten days notice to such claimant, if in this state, or to the president or any of the directors of any corporation, so claiming, as also to the attorney general of this state, of the intention of said company to apply to said court to frame an issue, to try the title of such claimants; and such court shall, upon such notice being given and petition filed by said company in said court, have jurisdiction of the matter, and proceed to frame an issue for the purpose aforesaid, and to direct the manner in which the said question shall be tried, and shall have power to direct the examination of any of said persons so notified as claimants, and of the officers of any corporation notified as claimants, with a view to discover what other claimants there may be, and in case of discovery of any such, to notify him, her, it, or them in manner aforesaid, so that such claimant may be heard, and represented, on the trial of such issue and the determination of such question, but none of the said proceedings shall be construed in any way, to be an acknowledgment of the validity of said claim of such claimant, and the state of New Jersey and said company shall be considered to have the affirmation of the said issue, and such issue when framed shall be tried before such jury as said court shall determine, in such county as said court shall think proper; and such court shall have power to order a view of said premises, and to order a new trial, and to give judgment for the lessees, and the state, or for such claimants, according as they are by the

law of the land entitled, with costs; and to execute such judgment in such manner as judgments in ejectment are executed, and in case the said judgment shall be against such claimants, the said company shall thereupon continue to pay said rent into the treasury of this state, and the moneys which shall have been paid into the supreme court, shall also be paid into the treasury of this state; and in case the said judgment shall be in favor of said claimants for all, or any portion of the land leased, or the lands over which the said privileges are granted, so much of the moneys paid into the supreme court shall be paid out to such claimant, as shall on the proceedings then to be taken by said company for the condemnation of the title of said claimants, as shall properly belong to such claimants, as the value of his, her or its title and damages; and in case such value and damages shall amount to more than the moneys deposited in the supreme court, the said company shall pay as much more as shall equal said value and damages, which condemnation and all proceedings thereupon shall be according to the charter of said company, and the supplement aforesaid, and the fourth section of this act; *provided, however,* that the said company shall indemnify, and save harmless the state of New Jersey, against all costs, of any of such proceedings, and shall pay all their own attorneys and counsel, as well as proper counsel fees to the said attorney general of this state. Proviso.

3. *And be it enacted,* That if the judgment shall be in favor of said claimants, or any of them, the said rent to the state shall abate in proportion that the capital of said rent, (seventy-one thousand four hundred and twenty-eight dollars and fifty-four cents) shall bear to the value and damages that shall be adjudged to said claimants, on the proceedings for condemnation, to be taken by said company, after said judgment; and if the said value and damages adjudged to said claimants shall equal such capital, the said rent shall wholly abate. When rent shall abate.

4. *And be it enacted,* That the said company may locate and (first making compensation as herein and their original charter and supplement thereto provided) construct and maintain their said railroad over the said lands, and the place where said tressel-work may be built, as aforesaid, and upon the meadow and upland, and to the west up to the point where the line of the route of said railroad (heretofore authorized to be located) shall be reached, not above May construct railroad over said leased lands

two hundred feet westerly of the line of the tracks on the curve of the Central Railroad at Communipaw, and for the purpose of constructing and maintaining said railroad on the route by this section authorized, and for procuring the necessary lands on which to construct the same, with proper and necessary works, depots, ferry houses and slips, the said company shall have all the powers and privileges to take lands, on compensation, for said purposes in this section mentioned, which are granted and given to it by its original charter, and the supplement thereto, for the purposes of constructing, maintaining and procuring the necessary lands on which to construct the said railroad, as originally authorized by said charter and supplement.

Repealer.

5. *And be it enacted*, That so much of the charter of said company and of said supplement, as limits the rights and powers of said company, in a manner inconsistent with the enlarged powers given by this act, be, and the same is hereby, repealed.

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

Approved, April 11, 1867.

CHAPTER CCCCLI.

A supplement to an act entitled "An act to authorize the inhabitants of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads, streets, crossings and sidewalks," approved April third, eighteen hundred and sixty-six.

Repealer.

1. *BE IT ENACTED*, by the Senate and General Assembly of the State of New Jersey, That section six and seven of said act be, and the same are hereby repealed.

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

Approved April 11, 1867.

CHAPTER CCCCLII.

A supplement to the act entitled "An act for the better protection of hotel, inn and boarding housekeepers," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where no newspapers shall be published in any city, town or township, where any hotel, inn or boarding house shall be kept, the sale provided for in the second section of the act to which this is a supplement, may be made upon a notice published for three days in a public newspaper published in the county where such hotel, inn or boarding house shall be kept, and circulating in the neighborhood thereof. Sales may be made on notice in county newspaper.

2. *And be it enacted*, That section third of the act to which this is a supplement be and the same is hereby amended so that all the provisions thereof shall apply to the baggage and wearing apparel of the guests or boarders as well as to their money, jewels or ornaments. Provisions of section third of original act to apply to baggage &c.

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

Approved April 11, 1867.

CHAPTER CCCCLIII.

An act to extend the provisions and supplements 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 Brick, in the county of Ocean.

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 Provisions of act extended to township of Brick.

and fifty-two, and all the supplements, provisions and benefits of said act be, and the same are hereby extended to the township of Brick, in the county of Ocean.

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

Approved April 11, 1867.

CHAPTER CCCCLIV.

Supplement to an act to incorporate the Glassboro and Carpenter's Landing Turnpike Company, approved February fourth, eighteen hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Glassboro and Carpenters' Landing Turnpike Company be empowered to run steamboats in Mantua creek from Carpenters' Landing, in the county of Gloucester, to the city of Philadelphia, and that the said corporation have power to deepen said Mantua creek, and power to straighten its channel as well as to remove obstructions which may impede the navigation of said creek; *provided always*, that the Glassboro and Carpenters' Landing Turnpike Company shall pay the property owners any damage they may sustain by the straightening of said creek.

2. *And be it enacted*, That the said Glassboro and Carpenters' Landing Turnpike Company, shall have power to increase their capital stock for the purposes aforesaid to a sum not to exceed twenty thousand dollars.

3. *And be it enacted*, That the said turnpike company at their own expense shall construct within one year from the passage of this act, a proper draw in the bridge at Berkley, across Mantua creek, so that navigation shall not be impeded, and shall keep a watchman at said bridge to open and close said draw; *provided always*, that the said company shall first obtain the consent of the Gloucester and Salem Turnpike Company.

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

Approved April 11, 1867.

CHAPTER CCCCLV.

An act respecting bridges in the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all bridges which shall be constructed across streets within the limits of the city of Newark shall be extended the entire width of the street. width of
bridges.

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

Approved April 11, 1867.

CHAPTER CCCCLVI.

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 townships of Lawrence and Hamilton, in the county of Mercer, and the townships of Matawan and Holmdel in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, one thousand eight hundred and fifty-eight, be, and the same are hereby extended to the townships of Lawrence and Hamilton in the county of Mercer, and to the townships of Matawan and Holmdel in the county of Monmouth. Provisions
of act ex-
tended to
certain
townships
in Mercer
and Mon-
mouth
counties.

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

Approved April 11, 1867.

CHAPTER CCCCLVII.

A supplement to an act entitled "An act to establish a new township in the county of Morris to be called the township of Passaic," approved March twenty-third, eighteen hundred and sixty-six.

Boundaries
of Passaic
township
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last two lines of the boundaries of the said township of Passaic as stated in the first section of the act to which this is a supplement, shall be changed so-as to read as follows: viz, thence in a straight line to a point on the northerly side of the Jockey Hollow road, westerly from David J. Guerin's homestead dwelling house, and in the division line between the homestead farm of said David J. Guerin and land of A. W. Tuttle, thence in a straight line to the point where the Washington turnpike strikes the division line between the townships of Morris and Mendham; and that the two lines thus amended shall, from and after the passage of this act be the last two lines of the boundaries of said township instead of the last two lines named in the first section of the act to which this is a supplement.

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

Approved, April 11, 1867.

CHAPTER CCCCLVIII.

An act to establish "The Long Branch Police Sanitary and Improvement Commission."

Preamble.

WHEREAS, it is represented to the legislature that the public good will be promoted by the establishment of special local regulations for preserving the peace and purposes within the limits described in this act; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the application in writing of any tax payer owning lands within the limits specified in

this act, it shall be lawful for any justice of the supreme court of this state, annually on the first Monday in April, to appoint three persons, being such tax payers, to be commissioners under this act, who shall hold their offices for one year, from the first day of May next succeeding the date of their appointment, and until others are chosen and duly qualified in their stead, which commissioners shall constitute a police and sanitary board, and shall be styled "The Long Branch Commissioners."

Name of
Police and
sanitary
board.

2. *And be it enacted*, That the said commissioners or a majority of them, shall have power to establish ordinances and regulations for the following purposes, to wit: to prevent vice and immorality, to preserve the public peace and order, to prevent, quell riots, disturbances, disorderly assemblages, to lay out, regulate and improve roads and water the same, and to remove encroachments thereon, to lay out, regulate and improve parks and public grounds, with consent of the land owners, to prevent indecent exposures, and to improve the sanitary condition of the place, and may carry said ordinances and regulations into effect, and may enforce them by penalties not exceeding one hundred dollars for each violation thereof, which may be recovered by action of debt by said commissioners, by their official name and title aforesaid, before any competent tribunal having jurisdiction of the amount of such penalty for money due and owing, generally giving the special matters in evidence, and execution may be awarded according to law, on judgments rendered under this act, for the penalty and costs.

Powers of
commis-
sioners.

3. *And be it enacted*, That said commissioners shall jointly and severally possess and may exercise all the powers of a justice of the peace of this state within the limits hereinafter specified, but shall receive no fees as such and the penalties may be sued for before them or either of them, to which powers shall be added all those required to carry this act into effect, and that any process issued under this act may be served by one of the marshals herein provided for at any place within this state where the defendant may be found.

Commis-
sioners to
have jus-
tices pow-
ers.

4. *And be it enacted*, That it shall be lawful for the said commissioners or a majority of them, to appoint one or more marshals who shall be the executive officers of said commissioners when acting jointly or severally as a court, and shall serve all summons, warrants, notices and executions necessary and proper to be issued in proceedings under this act and shall possess and exercise severally all the powers of

May ap-
point mar-
shals.

constables in this state with such additional powers as this act may render necessary; and the compensation of such marshals shall be fixed by said commissioners, who may also in any emergency appoint special marshals with like powers.

Assessors
to assess
for ex-
penses
incurred.

5. *And be it enacted*, That it shall be lawful for the said commissioners once in each year to ascertain as nearly as may be the expense to be incurred in carrying into effect the provisions of this act, and to give public notice of the amount thereof, and the purposes thereof, and deliver a copy of said notice to the assessor of the township within which said territory lies, on or before the twentieth day of August in each year, and such assessor shall assess the same upon the land owners for them taxed within said limits as other taxes are assessed as nearly as may be, which shall be collected and paid to said commissioners who shall once in each year report their actual outlays, specifying the purposes for which the same were made, and that payment of the assessments may be enforced as other taxes may be in the county of Monmouth.

Record of
proceedings
&c., to be
kept.

6. *And be it enacted*, That the said commissioners shall keep a record of all their ordinances and proceedings which shall be open to public inspection at all reasonable times.

Marshals to
have like
powers as
overseers of
highways.

7. *And be it enacted*, That said commissioners may appoint one of said marshals to be overseer of said roads, who shall have charge and supervision of the roads within said limits for the purposes of this act, and of enforcing said ordinances and shall also have the powers of an overseer of the highways in this state.

Penalty for
violation of
ordinance.

8. *And be it enacted*, That for any violation of an ordinance or regulation passed by said commissioners, the offender may be imprisoned upon conviction, for a period not exceeding twenty days in the county jail of Monmouth county, and in any suit for a penalty, judgment of imprisonment may be rendered in addition to the judgment for the money penalty.

Officers to
make oath
or affirma-
tion.

9. *And be it enacted*, That this act shall take effect immediately and shall be in force in that portion of the county of Monmouth, bounded north by the road running from Branchport to Atlanticville, south by Thompson's pond, east by the Atlantic ocean, and westly by a line running parallel with the coast and one-third of a mile west from highwater mark; and that every officer appointed under this act shall take an oath or affirmation to perform the duties required

of him faithfully, impartially and honestly according to his best judgment.

Approved April 11, 1867.

CHAPTER CCCCLIX.

A further supplement to the act entitled "An act respecting the Orphans Court and the powers and authority of surrogates."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of executors and administrators in any estate where the receipts have exceeded or shall exceed the sum of fifty thousand dollars, shall be determined by the orphans court on the final settlement of their accounts according to the actual service rendered; *provided*, the amount of such commissions shall in no case exceed five per cent on all sums which come into their hands. Amount of fees to be determined by orphans court.

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

Approved April 11, 1867.

CHAPTER CCCCLX.

Supplement to an act entitled "An act to ascertain, by proper proof, the citizens who shall be entitled to the right of suffrage," approved April fourth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the general election in November of each year, there shall be elected three persons as inspectors of registry and elections for each election district for one year, to commence on the first day of January next succeeding such election; no ballot for this purpose shall contain more than two names; in case more than two names are voted for, the ballot shall be void as to said inspectors, Inspectors of registry and elections.

Proviso.

and the three persons who receive the highest number of votes shall be deemed and taken to be elected; *provided always*, that in no instance under this act, or the act to which this is a supplement, shall all the inspectors of registry and election of any election district be of the same political party, but in case the three persons receiving the highest number of votes for said office in any election district shall all belong to the same political party, then the person not belonging to such party, who shall have received the next highest number of votes for said office shall be the third inspector, and shall receive the certificate and act as such, any provision of the act to which this is a supplement to the contrary notwithstanding; in case two persons on the ballot receiving the smaller number of votes shall receive an equal number, the first person on the ballot shall be chosen, subject to the above proviso; no person shall be elected or appointed inspector of registry and elections unless he shall be a qualified voter within his election district, nor unless he can read, write and speak the English language understandingly.

Duties of inspectors of registry and elections.

2. *And be it enacted*, That it shall be the duty of the inspectors of registry and elections to make a return to the secretary of state within ten days after the November election in each year, of the persons elected as such inspectors; and prior to the first day of January, the governor of the state shall issue to each a certificate of election; within fifty days of the date of the certificate, the person so certified to be elected, shall be duly qualified by taking before the clerk of the county the following oath: "I do solemnly swear, (or affirm) that I will faithfully discharge the duties of the office of inspector of registry and elections, according to the best of my ability;" which oath shall be endorsed on the certificate; and in case he shall not qualify within the time above named (which fact the clerk of the county shall report to the governor forthwith,) or in case there shall be a further vacancy by death, resignation or removal, such vacancy or vacancies shall be immediately filled by the governor, taking care that both parties are represented in the board of inspectors.

Time and place of making registry to be designated.

3. *And be it enacted*, That the board of inspectors of each election district shall, at least two weeks before the time appointed for making the registry of legal voters, designate the place for making said registry and for holding the annual election, which shall be the same; and shall give two

weeks' public notice in all the papers published in the county of the time of commencing the registry, revising the same, and holding the election, designating the place selected; and in making and publishing such notice, all the inspectors of registry and election in the county may join; the first meeting for making a register of all the legal voters shall be held on the Tuesday three weeks preceding the general election, and in making up such register the said board shall take the revised and corrected register of the previous year as the basis of the new register, and in case of death or removal from the election district, they shall strike off the name of the registered voter; but in no case shall any addition be made thereto, unless the elector shall appear in person before said board, and require his name to be added to such register.

4. *And be it enacted*, That the said board shall meet on Thursday of the week preceding the general election for the purpose of a final revision and correction of the said register, and upon its completion on the evening of that day one of the copies so revised and corrected shall be signed by the inspectors, placed in a sealed package, endorsed and given to the clerk to be filed with the clerk of the county, which shall be done prior to the election.

Meeting for
final revision
of reg-
istry.

5. *And be it enacted*, That in case any inspector or inspectors of registry and elections shall add to the register made as provided, either at the first or second meetings, the name or names of any person or persons who do not appear before the board to require the same, or shall on the day of election receive the votes of any such person or persons, or of any person or persons whose names do not appear on the revised and corrected register filed with the clerk of the county, previous to the election, he or they shall be punished for each and every offence, by imprisonment in the state prison for not more than one year, or fine not exceeding one thousand dollars.

Penalty for
receiving
votes of
persons
whose
names are
not on the
corrected
register.

6. *And be it enacted*, That in all unincorporated towns the clerk of the township shall act as clerk of the board of registers, and as clerk of the election; and when the township comprises more than one election district the clerk of the township shall act in the one in which he resides, and in the other the board of inspectors shall appoint; and in incorporated cities or towns the common council thereof shall appoint the clerks for the various election districts; and whenever no election or appointment of clerk has been

Township
clerk to act
as clerk of
the board
of registers
and of elec-
tions.

made, or he refuses or neglects to serve, the board of registers shall appoint some suitable person to act as clerk at their meetings and at the election.

Duty of clerk.

7. *And be it enacted*, That it shall be the duty of the said clerk to procure from the office of the clerk of the county a true copy of the corrected and revised register of the previous year, for the use of the board of registers; he shall file in the office of said clerk the revised and corrected register made by said board previous to the election; he shall post the notices and lists required by law; and make the copies so required, and further act as clerk of the election.

Compensation to be allowed.

8. *And be it enacted*, That no inspector shall receive compensation for more than eight days for any election in a district containing four hundred voters or less, nor for more than ten days in a district containing more than four hundred voters, and no clerk shall receive pay for more than ten days in the former case, nor for more than fifteen days in the latter case; the clerk of the county shall be entitled to fifty cents for administering the oath to inspectors and entering the same in the certificate and on the records, fifty cents for filing the revised and corrected register, and fifty cents for making the return of qualified inspectors to the governor.

Division of election districts.

9. *And be it enacted*, That the election districts may be divided each year in the same manner as is directed in the law to which this is a supplement, whenever the number of voters in said district shall exceed eight hundred, and in such case inspectors shall be appointed as the act to which this is a supplement directs; *provided*, that the inspectors elected at the preceding election, who have duly qualified, shall act in the district where they respectively reside.

Provision

Oath of inspectors of registry and elections.

10. *And be it enacted*, That the inspectors of registry and elections shall take no oath except the one provided for in the second section of this act, before the clerk of the county; and that no copy of the register made on the Tuesday three weeks preceding the election need be filed in the office of the clerk of the county, and that the number of copies made at that time shall be limited to three.

Repealer.

11. *And be it enacted*, That the provisions of the act to which this is a supplement, requiring polling places in cities to be lighted with gas, and all acts and parts of acts inconsistent with this act are hereby repealed, to the extent to which they are so inconsistent.

Approved April 11, 1867.

CHAPTER CCCCLXI.

An act relative to freights and fares on railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company in this state to receive from any express or transportation company, person or firm any amount that such company, person or firm shall agree to pay as compensation for carrying their express, goods or other property, any limit to the rate of compensation in the charters of such railroad companies or otherwise, to the contrary notwithstanding. Freights for carrying express, &c.

2. *And be it enacted*, That it shall be lawful for any railroad company in this state to charge for the transportation of property, known as express matter, and of property, the handling or transportation of which is attended with extraordinary expense or risk, such as living animals in less quantities than car loads, valuable furniture not boxed, powder, looking glass plates, pianos, and the like, any rate not exceeding twice the rate such railroad companies are allowed to charge for the transportation of ordinary goods by their respective charters, or other laws of this state; the term express matter in this section is to be understood as applying only to packages weighin less than one hundred pounds each, or the value of which exceeds one dollar per pound, or to property forwarded in passenger or special trains. Freights for transportation of express matter.

3. *And be it enacted*, That nothing in this act shall be construed as to exonerate any railroad company from carrying goods other than hereinbefore mentioned, that shall be offered to their own agents for transportation on the terms prescribed by their respective charters or by the laws of this state. so Act how construed.

4. *And be it enacted*, That it shall be lawful for any railroad company to place in any of their passenger trains, a car or cars, furnished in a superior manner and with extra accommodations, either day cars or sleeping cars, for the use of families, excursion parties or other persons who may desire such extra accommodations, and to charge therefor such rates of fare as they may deem expedient and just; *provided*, that the number of such extra cars shall not exceed the proportion of one-fourth of the passenger cars regularly run by such railroad company; *and provided*, that a sufficient num- Sleeping cars, &c. Proviso.

ber of ordinary first-class passenger cars shall be run at the ordinary rates of fare to accommodate all persons who shall prefer to travel therein.

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

Approved April 11, 1867.

CHAPTER CCCCLXII.

An act to incorporate the Defiance Cranberry Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Randle, Thaddeus C. Throop, William Arrott, Edmund Morris, William H. Jackson, jr., and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of the Defiance Cranberry Company, and the rights and privileges given to the "West Jersey Cranberry Land and Improvement Company," in an act to incorporate the same, approved February twenty-six, eighteen hundred and sixty-six, are hereby extended to the Defiance Cranberry Company.

Location of
principal
office.

2. *And be it enacted*, That this act shall take effect immediately, and their principal office shall be in the county of Gloucester.

Approved April 11, 1867.

CHAPTER CCCCLXIII.

A further supplement to an act entitled "An act to prevent accidents from the use of locomotive engines on railroads," passed March ninth, eighteen hundred and thirty-nine.

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad company has neglected or refused to cause the bell to be rung or the steam whistle to be sounded on any locomotive en-

gine before crossing any public highway, as now required by law, and a penal action shall have been instituted against said company in consequence thereof by the clerk of any township, it shall be lawful for the said clerk to prove upon the trial of said action any such neglect or refusal that may have occurred on the part of said company, at any time within ten days prior to the commencement of said action, without having specially mentioned and described the time of said neglect or refusal, in the state of demand filed in said action; and that for any such neglect or refusal proved on said trial, it shall be lawful for the justice to render judgment for the penalty of one hundred dollars, for the use of said township; *provided however*, that but one action shall be maintained by said clerk against said company for said neglects or refusals within ten days next preceding the commencement of said action; *and provided also*, that nothing herein contained shall be construed to take away from any individual or individuals any right he, she or they may have to recover damages for any injury which may be incurred by any refusal or neglect to comply with the requirements of this act.

Penalty for refusing to cause the locomotive bell to be rung or steam whistle sounded.

Proviso

Proviso.

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

Repealer.

Approved April 11, 1867.

CHAPTER CCCCLXIV.

An act to incorporate the Walden Opera House and Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James R. Hilliard, Aaron Pennington, Edmund M. Weiss, David Henry, Garret Planton, Nathaniel Townsend, William Harnn, James Watson, Richard B. Chiswell, John Walden and James Evans, and all such other persons as may be hereafter associated with them, their successors and assigns shall be, and they are hereby, constituted a body corporate and politic in fact and in law, by the name of "The Walden Opera House and Hotel Com-

Names of incorporators

pany," and by that name shall have power to lease, purchase and hold real estate at or near Paterson, in the county of Passaic, and state of New Jersey, and to purchase, erect and maintain a theatre and hotel, and other buildings and improvements thereon, or upon any part thereof for the accommodation of the public, and to mortgage said real estate with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the management, erecting, furnishing, holding, conducting, leasing, or mortgaging of said premises, or otherwise controlling or disposing of the same.

Amount of capital stock that may be raised by subscription.

2. *And be it enacted*, That the said corporation shall have power to raise, by subscription, a capital stock of seventy-five thousand dollars, with liberty to increase the same to one hundred thousand dollars, whenever the majority of stockholders shall so determine, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the said stockholders, which vote may be given either in person or by proxy.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock at such places and times in said city of Paterson, county of Passaic, as a majority of them shall appoint, giving previous notice thereof in a newspaper published in said city for at least two weeks, once each week, and as soon as thirty thousand dollars of said capital stock is subscribed, the said commissioners or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, by giving each stockholder a written or printed notice at least five days before said meeting, and the remainder of the stock shall be disposed of under the direction of the directors of said corporation, or a majority of them.

Election of directors.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, who shall be five in number, who shall hold office until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors, by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy; and any election or elections of directors after the

*first election as aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide.

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

6. *And be it enacted*, That this act shall take effect immediately, and may be altered, modified, or repealed by the legislature at any time, if the public good shall require. Act may be repealed.

Approved April 11, 1867.

CHAPTER CCCCLXV.

An act to incorporate the Squankum Marl Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick W. Downer, Edward Ferguson, Alfred S. Downer, Oliver B. Kinne, Howard Potter, and others associated with them, now holding stock in the Squankum Marl Company to the amount of forty thousand dollars, which is the amount of the paid up capital of said company, which company is organized under the act entitled "An act to authorize the establishment and prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, are together with such others as may be associated with them, and their successors, hereby constituted and declared to be a body politic and corporate under this act, as a special charter by the name of the Squankum Marl Company, and said company is hereby invested with all the property, and made liable for all the debts of said company as it existed as a corporation under said act, and said company shall hereafter be deemed as existing as a corporation under this act, and not under said act of March second, eighteen hundred and forty-nine; *provided*, that neither the rights of existing creditors of said company, or the mutual obligations of said company, and any party or parties with whom said company has any existing contract, or between whom and said company there are any existing debts due from, or obligations to be performed by either, to or toward the other, shall be impaired, changed or in any way affected or altered by this act. Names of incorporators. Proviso.

Amount of
capital
stock.

2. *And be it enacted*, That the capital stock of said company shall be forty thousand dollars, divided into shares of fifty dollars, or if the directors shall at any time so determine, into shares of one hundred dollars each, which shares are and shall be deemed paid up in full, and said shares and all other shares of stock, which may be issued by said company, shall be deemed personal property, and shall be transferable in such manner as shall be from time to time prescribed by the by-laws of the company, and said company may by a vote of two-thirds of the directors, increase the capital stock from time to time, and issue shares accordingly, to an amount not exceeding one hundred and fifty thousand dollars.

Number of
directors
not to be
more than
seven.

3. *And be it enacted*, That the company may continue its business from the passage of this act, and the property and business shall be managed by a board of directors, of not less than three nor more than seven in number, who shall be stockholders, and the present directors and officers shall be the directors and officers until others are elected or chosen.

Election of
directors.

4. *And be it enacted*, That the directors of the company shall be chosen annually on the third Tuesday in June, at such time and place and on such notice as the by-laws of the company may fix, that all elections of directors shall be by ballot, and one vote for each share of stock may be given by the holder thereof in person or by proxy, and if at any time no election shall be held, or made at the time herein appointed, the directors for the time being shall continue in office until an election shall be regularly held according to the requirements of the by-laws in that behalf, or of this act; any vacancy occurring in the board of directors at any time may be filled for the unexpired term by the remainder of such board or the majority thereof; in any election for directors the persons having the greatest number of votes shall be directors.

May make
by-laws, &c.

5. *And be it enacted*, That a majority of the directors shall form a board for transacting the business of the company, and may make such by-laws, rules and regulations, and change the same, as they deem expedient, for the government, management and disposition of the stock, effects, profits and concerns of the company, not contrary to the laws of this state, or of the United States; and may hold their meetings at any place they may designate; but no

dividend shall be declared or paid, except from the nett profits of the corporation.

6. *And be it enacted*, That it shall be lawful for the directors, or a majority of them from time to time to require the holders of any of the increased stock that may be issued, to pay such amount thereof as shall at any time remain unpaid, in such instalments and at such times and places as they may deem proper, and if the payment of any such instalment on any such stock be not made within thirty days after the day fixed for the payment thereof, a notice of such time and place and amount of payment being first published before said day fixed, for at least three weeks in a newspaper published in the county of Monmouth, the directors may declare forfeited and forfeit to said company the shares of said stock on which such instalments shall not be paid, and all sums then already paid thereon.

7. *And be it enacted*, That it shall be lawful for the directors of the company from time to time to borrow such sums of money as may seem to them advisable for the purposes of the said business of the company, and to secure the same or any indebtedness of the company by a mortgage or mortgages on the lands, railroad, structures, machinery, franchises or other property of the company.

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

Approved April 12, 1867.

CHAPTER CCCCLXVI.

Supplement to an act entitled "An act to prevent accidents from the use of locomotive engines on Railroads," approved March ninth, eighteen hundred and thirty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, not especially authorized by license, signed by the president or superintendent, shall get upon the trains of any railroad company of this state, with the intent and purpose to sell books, pamphlets, papers, fruit, provisions or any other articles; it shall and may be lawful for any conductor or any other

Persons may not get upon railroad trains to sell books, papers, &c., without special license.

person employed on said train or trains or any ticket agent or other person employed at or about the depots, to eject such person or persons from the said trains and depots, using no unnecessary violence, and to take possession of the books, pamphlets, papers, fruit, provisions and other articles, and the baskets, boxes or vessels containing the same, and to give them to the overseer of the poor.

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

Approved April 12, 1867.

CHAPTER CCCCLXVII.

A supplement to an act entitled "An act to annex the township of Pittsgrove, in the county of Salem, to the county of Cumberland, approved April tenth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Pittsgrove, in the county of Cumberland be, and is hereby annexed to the second legislative district in the county of Cumberland.

Township
annexed to
the second
legislative
district of
Cumber-
land county

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

Approved April 12, 1867.

CHAPTER CCCCLXVIII.

An act to authorize the State Treasurer to pay a certain sum therein specified, for the use and benefit of the library of the State prison.

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 the inspectors of the state prison, the sum of five hundred dollars, to be used and appropriated under the direction of said in-

Appropriation for replenishing library of state prison

spectors for the purpose of replenishing the library of the prison with such books and publications as they may deem proper.

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

Approved April 12, 1867.

CHAPTER CCCCLXIX.

Supplement to an act entitled "An act to incorporate Jersey City."

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That no taxes shall be assessed or levied on the land, taxable property or persons of the inhabitants of the city of Jersey city for the care and maintenance of insane persons, or of the poor of said city, or other expenses incident to the poor house or poor house farm in said county, except as provided for by the act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one, and the supplements thereto, any law relating to the county of Hudson, or other law to the contrary notwithstanding.

2. *And be it enacted*, That it shall be lawful for the said the Common Council to make such contracts as may be deemed advisable for the care and maintenance of insane persons found within the limits of said city with the Board of Chosen Freeholders of said county of Hudson, when the said Board shall be prepared to receive such insane persons, which contracts shall be of force for the period for which the same may be made.

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

Approved, April 12, 1867.

CHAPTER CCCCLXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall steal, or break with intent to steal, any flower, shrub or tree, planted and growing, and being in any grave-yard or cemetery in this state; or shall wilfully and maliciously cut, break or destroy any flower, shrub or tree planted and growing, and being in any grave-yard or cemetery in this state, he or she so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months, or both.

Penalty for injury to, or theft of flowers, shrubs, &c. in grave yards.

Approved April 12, 1867.

CHAPTER CCCCLXXI.

An act to incorporate the Lower California Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius K. Garrison, William Travers, Leonard W. Jerome, Richard Schell, Benjamin F. Butler, August Belmont, George Wilkes, David Crawford and William G. Fargo, and their associates, are hereby created a body corporate and politic, by the name, style and title of "The Lower California Company," and by such name and title shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of receiving and granting in its corporate name, property, real, personal and mixed, and of holding, leasing and improving lands in Lower California, and of obtaining therefrom any and all minerals and other valuable substances, whether by working or mining, or disposing of privileges to work or mine, such lands or any part thereof, and to erect houses and such other buildings and works as may properly

Names of corporators

appertain to said business, and to use, let, lease or employ the same, and to dispose of the proceeds of all such lands, mines and works as it may deem proper, and of enjoying or leasing, or selling to others, all rights and privileges in connection with its property in Lower California, that may be granted to it; the capital stock of said company shall be two hundred and fifty thousand dollars, and may be increased from time to time, by a vote of a majority of the directors to any amount not exceeding fifteen million dollars; such capital stock may be paid in cash or part in cash, and part by the transfer to said company of real estate, mines, rights or other property, which said company is authorized by this act to take, hold and use; such capital stock shall be paid in within two years from the passage of this act, or from the time of the vote increasing said capital stock, a certificate signed and verified by the treasurer, of the payment and the mode thereof, shall, within thirty days after such payment, be filed in the office of the secretary of state; the stockholders shall be liable for the debts thereof until the capital shall be paid in, as hereinbefore provided, at which time their liabilities shall cease; *provided always,* Proviso. that no action shall be brought against any stockholder until judgment shall have been perfected, and execution returned unsatisfied in whole or in part against said company; *and* Proviso. *provided further,* that no action shall be brought against any said stockholder, unless brought within two years from the time such action accrued; the said company shall also have power to establish agencies for the purpose of procuring and forwarding to Lower California, emigrants and other persons, and of owning and managing such ships and vessels as it may deem necessary for that purpose, and to provide means for, and own and carry on such transportation on inland waters as may be necessary for its purposes in Lower California, or for the purpose of insuring regular means of communication between any part of the United States and any part of Lower California.

2. *And be it enacted,* That the said company shall have power to make such by-laws as it may deem proper to carry out the objects of this corporation, and the same to alter, add to, amend or repeal at its pleasure; *provided,* that such by-laws shall not be contrary to the constitution of this state or the provisions of this act, and to adopt a common seal and the same to alter at pleasure, and to issue certificates of stock, representing the value of its property, in such form

May make
by-laws, &c.

and amounts, and subject to such regulations as it may from time to time, by its by-laws prescribe, and to regulate and prescribe in what manner and form its contracts and obligations shall be executed.

Quorum.

3. *And be it enacted*, That the corporators named in this act, or a majority of them, shall elect persons to serve as directors of the company, a majority of whom shall constitute a quorum for the transaction of all business, and shall hold their offices until their successors shall have been elected in accordance with the laws.

Company to
have an of-
fice in Jer-
sey City.

4. *And be it enacted*, That it shall be lawful for said company to establish the necessary offices for the company where the business of the same is transacted, and they shall have an office in Jersey City, and to elect and appoint officers and agents in accordance with its by-laws and to have its principal office in the United States, in such place as it may deem expedient, at which place it shall be lawful to hold all meetings for the transaction of the business of the company.

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

Approved April 12, 1867.

CHAPTER CCCCLXXII.

An act to prevent horses, mules, cattle, goats, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen.

Fees for
impound-
ing animals
found run-
ning at
large.

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

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

2. *And be it enacted*, 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, one thousand eight hundred and fifty-two, be, and the same is hereby repealed, and that this act shall take effect immediately; *provided*, that no supplement to the said act heretofore passed, shall be repealed, altered or affected by anything in this act. Repealer.

Approved April 12, 1867.

CHAPTER CCCCLXXIII

An act entitled "An act to prevent fishing with any gill, drift seine, fike or other net or nets in certain of the waters within New Jersey.

Fishing
with nets,
&c., in cer-
tain waters
prohibited
during cer-
tain dates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons at any time, by day or by night, to set, put or place, any gill, drift, fike or other net or nets, in any of the waters of Newark bay, and Passaic rivers and tributaries thereto, and the Kill Von Kull, so far as the same are in and under the jurisdiction of New Jersey, after the twentieth day of June, and before the first day of September of each and every year, or to keep said gill, drift, fike or other net or nets so set, put or placed, in any of said waters after the twentieth day of June and before the first day of September of each and every year, or at any time during the year, to set, put or place, any gill, drift, fike, or other net or nets, in or across the mouth or inlet or outlet of any of the rivers, creeks or other streams aforesaid, under the penalty of fifty dollars for each and every time said gill, drift, fike, or other net or nets, shall be so set, put or placed, and for each and every time the same shall be allowed to remain so set, put or placed, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same, before any justice of the peace of this state.

Hauling of
seines or
nets pro-
hibited.

2. *And be it enacted*, That hereafter it shall not be lawful for any person or persons at any time, by day or night, to fish or haul any seine or net in any of the waters aforesaid after the twentieth day of June and before the first day of September of each and every year, under a penalty of fifty dollars for each and every time said seine or net shall be so fished or hauled, to be sued for and recovered by any person in an action of debt as aforesaid.

Regulating
the taking
of fish in
Brooklyn
pond.

3. *And be it enacted*, That after the passage of this act, it shall not be lawful for any person or persons, to put, place, set or haul any gill net, seine or mesh net, for catching fish within the waters or limits of the Big Pond and Little Pond, in the counties of Morris and Sussex, together known as lake "Hopatcong or Brooklyn Pond," or in any of the streams, brooks or tributaries leading thereto, within the

distance of half a mile from the shore or shores of said lake or pond, under a penalty of fifty dollars for each and every such offence, to be sued for and recovered as aforesaid, in either of said counties, by any person who shall sue for the same, the one-half thereof to be for his use and benefit, and the other half, for the use of the poor of the township wherein such action may be brought.

4. *And be it enacted*, That after the passage of this act, it shall not be lawful for any person or persons, to put, place, set, use or haul any net, seine, gill net or mesh net, for the purpose of taking or catching fish in any of the waters of the county of Morris, nor to spear or shoot with gun or guns, pistol or pistols, any fish in any of said waters, from the first day of February until the first day of May, in each and every year, and that every person so offending, shall forfeit and pay for every such offence the sum of fifty dollars, to be sued for and recovered as aforesaid, in said county, the one-half thereof to be for the use and benefit of the person or persons who shall sue for the same, and the other half for the benefit of the poor of the township wherein such action may be brought.

Taking of fish in any of the waters of Morris county prohibited during certain dates.

5. *And be it enacted*, That in any action or suit for the recovery of any such forfeiture, fine or penalty, given or created by the provisions of this act, the same may be commenced by warrant or summons in the court for the trial of small causes, and be proceeded in as in other causes therein commenced by warrant or summons, for the recovery of statutory fines, forfeitures or penalties, any law, usage, or custom to the contrary notwithstanding.

Collection of fines, &c.

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

Approved April 12, 1867.

CHAPTER CCCCLXXIV.

An act to incorporate The Cranberry Agricultural Railroad Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Garret A. Snedeker, Ezekiel Silvers, Elec. Dey, Nelson Petty, Thomas W. Schenck, James

Names of incorporators

D. Hubbard, Peter W. Dey, George Farr, Ralph C. Stults and Charles M. Herbert, and such other persons as may be associated with them, shall be, and are hereby, declared to be a body corporate and politic in fact and in law, by the name of "The Cranberry Agricultural Railroad Company," and as such shall be capable of leasing, purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation.

Amount of
capital
stock.

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

Commis-
sioners to
receive sub-
scriptions
to capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the 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 one of the newspapers published in the county of Middlesex, in this state, and that at the time of subscribing five per centum shall be paid for each share subscribed 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, stockholders of the company, 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 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

Election of
directors.

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 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.

4. *And be it enacted*, That the annual election for directors shall be held at such times and places, as the board of directors shall hereafter direct, of which elections public notice shall be given, at least two weeks in one of the newspapers published in the county of Middlesex, and such elections shall be made as hereinbefore directed; and 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 made or held at any other time in the manner provided by laws 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.

Company
not to be
dissolved
by failure
to elect.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said corporation or company, by such instalments and at such times as they may direct; *provided*, that no instalment shall be called in for more than ten dollars at any one time or within twenty days of the previous one, and no instalment shall be demanded without at least two weeks' previous notice of the time and place of payment, to be inserted in a newspaper published in the county of Middlesex, and in case of the nonpayment 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 regulations of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks, servants as to them shall seem meet, and to fix and establish such salaries to them, and also the president, as to the said board shall appear proper.

Instalment

Proviso.

6. *And be it enacted*, That the said company be and they

Power to
survey and
lay out rail-
roads.

Proviso.

Proviso.

Proceed-
ings when
company
and owners
cannot
agree.

are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from Hightstown, in the county of Mercer, through or near Cranberry, in the county of Middlesex, to Monmouth Junction; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or 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 as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said company, their agents, engineers and superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road 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 or workmen, and others in their employ, to enter upon, take possession of, have, hold, use, 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 necessary or suitable 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 employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying of said road, unless the consent of the owner or owners of such land be first had and obtained.

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 railroad 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 parties 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 twenty days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person authorized to administer the same, faithfully and impartially, to examine the matter in question, and to make a true report, according to the best of their skill and understanding), to meet at the time and place appointed, and 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 affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situated, to remain of record therein, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land

or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall, upon the 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 owner or owners of any of the land or materials feel himself or themselves aggrieved by 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.

Proceed-
ings in case
of appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, 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 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 commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and

either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon, or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise 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 amounts assessed by the commissioners, or found by the jury, shall refuse upon tender thereof being made, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the 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.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public 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 also where 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 railroad, and also to build and keep in repair a good and sufficient fence on each side of said railroad, unless a bargain is made with the owner of the land through which the said railroad passes, that they will build and keep in repair the fence, and also the said railroad company to build and keep in order suitable cattle guards in all necessary places.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate station upon the line of

Proviso.
Bridges to
be erected
and kept in
repair.

May hold
real estate.

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 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 said 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.

Rates of
fare.

Proviso.

11. *And be it enacted*, That the said company shall have the power to have constructed or to purchase with funds of the company, and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or any species of property whatsoever, thereon, or on any railroad connected with as they may from time to time think fit; *provided*, that they shall not charge more than at the rate of ten cents per mile per ton for the transportation of property on the said road, or six cents per mile for carrying each passenger on said railroad in the carriages of the company, but no charge be required in the aggregate to be less than ten cents; and the said railroad with its appendages and the land over which the same shall pass, and all the work and improvements, and all other property of the company whatsoever, are hereby vested in the said company and their successors for and during the continuance of their charter.

Dividends.

12. *And be it enacted*, That 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.

Contracts.

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 such contracts and engagements with any other corporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight, property or passengers, and to enforce the fulfilment of such contracts.

Penalty for
injury to
railroad &c.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad or any part of the railroad enjoyed under the provisions of this act, or any of the wharves, works, bridges, carriages or machines of the said corporation, 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 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. May commence running cars.

16. *And be it enacted*, That as soon as the said 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 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. Statement of costs and expenses to be made.

17. *And be it enacted*, That as soon as the said railroad shall be finished and in operation, the said company shall pay to the treasurer of this state one-half of one per centum on the cost of said road to be paid annually thereafter on or before the first Wednesday in January in each year, and shall be exempt from other tax or impost whatsoever. State tax.

18. *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 their road, and furnish all necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgages or otherwise on the said road, lands, privileges, franchises, depots, cars, appurtenances of or belonging to said corporation, at a rate of interest not to exceed seven per centum per annum, and it shall not be lawful to plead usury on their bonds or other securities sold by them at such prices as at the time they thought best for the interest of the company to get, but that said securities shall be good at all times against said company for their face value. May borrow money.

19. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed Time for commencement and

completion of railroad. within ten years from the fourth day of July next, that then this act shall be void.

Who may ride free.

20. *And be it enacted*, That the governor, chancellor, justices of the supreme court, judges of the court of errors and appeals, and members and officers of the legislature of this state, shall pass and repass on said railroad free of charge.

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

Approved April 12, 1867.

CHAPTER CCCCLXXV.

An act to incorporate The Essex Trust and Loan Company.

Names of incorporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Aaron B. Baldwin, Anthony Q. Keasbey, John H. Meeker, John McGregor, Henry E. Richards, George A. Clark, John A. Gifford, James L. Hayes, Adolph Schalk, Francis Goken, David Ayres, Benjamin C. Miller, James B. Boylan, James E. Bathgate, William H. McClave, James W. Corey and Ebenezer A. Green and such other persons as may be hereafter associated with them, and their successors are hereby constituted a body corporate, under the name of "The Essex Trust and Loan Company," to be located in the city of Newark, and by that name shall have perpetual succession, and may sue or be sued in any court whatever, with powers and privileges as are hereinafter provided.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one million of dollars, divided in shares of one hundred dollars each, but when one hundred thousand dollars shall have been actually subscribed and fifty thousand dollars paid in, in cash, the said company may organize and proceed to business under this act.

Business of the company.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt and certificates of property or

value, and the titles to property real or personal, upon such terms as may be established by the board of directors of said company, to receive upon storage deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, except household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, and to advance monies, securities and credits upon any property real or personal on such terms as may be established by the directors of said company, but no rate of interest to exceed seven per centum shall be charged or received by said company in any transaction.

4. *And be it enacted*, That the business and corporate powers of said company shall be exercised by a board of directors, consisting of such number of persons not less than seventeen and not exceeding twenty-five, as may be prescribed by the by-laws of said company, to be elected annually by a majority in interest of the stockholders voting at an election, to be held at such time and place as may be prescribed by the by-laws of said company; and it shall be lawful by a vote of two-thirds of said board of directors with the consent of three-fourths of the stockholders to permit dealers in the company to participate in the profits of the business of the company, on such terms as may be prescribed by the board of directors, and also provide for the issue of scrip for such profits, and how far such scrip shall be liable for losses to be sustained by said company, and in what manner such scrip shall be redeemed and paid off; *provided*, that no dividend or payment by such company, to or on account of such scrip shall be made so as to impair the cash capital of the said company.

5. *And be it enacted* That Aaron B. Baldwin, Anthony Q. Keasbey, John H. Meeker, William H. McClave and John McGregor shall be, and they are hereby, appointed commissioners to open books for subscription to the capital stock of said company, at such time and place as they, or a majority of them, shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars, as hereinbefore provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act, and until others are elected in their stead.

May hold
real estate.

6. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal estate as may be necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property as they may determine that the interests of the company require; and the said company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts, which receipts, certificates and contracts shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

May sell
property for
monies due

7. *And be it enacted*, That it shall be lawful for said company to sell at public auction or private sale, as may be specified in any contract between the parties, all property of what kind soever mentioned in, or affected by, such contract after two months shall have elapsed from the time of the maturity of any obligation under such contract (or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character of the property mentioned in or affected by such contract) and reimburse themselves out of the avails of such sale for the monies due them, with the interest, cost and charges; *provided, however*, that nothing in this section contained shall be construed to prevent the said company from making any such sale, at such time and in such manner as may be provided for in any contract or agreement made by any person or persons with the said company.

Provided.

Proceed-
ings in case
of decrease
in value of
property
from price
fixed.

8. *And be it enacted*, That in case any property deposited with the said company, upon which any advance shall have been made by them, shall before the maturity of the contract, from any cause, decrease in value from the price originally fixed, said company may give notice in writing to the owner of such property or his agent to perform the conditions of the contract or make good the deficiency caused by such decrease in value within thirty days, and in default thereof, may sell and dispose of such property at public sale, and out of the proceeds thereof may retain the amount due them under the contract, together with the costs, charges and expenses, but nothing in this act shall be held or construed to limit or affect the liability or obligation of the corporation hereby created, as the same is limited or af-

fectured by the express terms of the contract in this section mentioned.

9. *And be it enacted*, That the stockholders of the company incorporated under this act shall be severally and individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded in the clerks's office of the county where the said company shall have their place of business. Stockholders liable.

10. *And be it enacted*, That the stock of said company shall be transferable only on the books of the company, and that the company hereby incorporated shall pay an annual tax to the treasurer of this state of one-half of one per centum per annum on the capital stock actually paid up and in use by them, in addition to all other lawful taxes. Stock transferable.

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

Approved, April 12, 1867.

CHAPTER CCCCLXXVI.

An act to defray Incidental Expenses.

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, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz:

Item No. 1. To F. P. Crocker, for publishing laws in Vineland Weekly, session of eighteen hundred and sixty-six, \$285 00

Item No. 2. To Titus & Scudder, for carpet and matting, making and laying of same in adjutant-general's office, 149 39

Item No. 3. To William T. Nicholson, for box furnished for incidental bills, 2 50

Item No. 4. To Brearley, Cogill & Co., for bill of cutlery furnished the senate, 260 00

64

Certain incidental charges ordered to be paid.

Item No. 5. To J. O. Seymour & Co., stationery furnished the officers and members of the senate as per order of the committee on stationery,	3,010 36
Item No. 6. To Murphy & Bechtel, for seven hundred copies of governor's message,	148 87
Item No. 7. To Samuel B. Waugh, for oil painting of Abraham Lincoln,	200 00
Item No. 8. To James S. Earl & Son, for frame furnished for painting of Abraham Lincoln,	38 00
Item No. 9. To C. Livingston, for five months and three days service in treasurer's office, from March eighth to August eleventh, eighteen hundred and sixty-six, one thousand dollars per annum,	425 00
Item No. 10. To Walter F. Bartlett, for three months and nineteen days service in treasurer's office, from August twelfth to November thirtieth, eighteen hundred and sixty-six, one thousand dollars per annum,	302 78
Item No. 11. To George B. Cooper, for services at extra session, and organization of the present house of assembly (as clerk),	150 00
Item No. 12. To C. J. Mulford, librarian, for attendance on legislature, express charges and incidental expenses,	297 00
Item No. 13. To Newark Evening Courier, for advertising extra session, thanksgiving proclamation and governor's proclamations,	45 00
Item No. 14. To Murphy & Bechtel, three hundred copies of testimony of contested election, second district, Burlington county,	152 20
Item No. 15. To Murphy & Bechtel, for stationery furnished officers and members of the house of assembly,	1,567 10
Item No. 16. To Murphy & Bechtel, for stationery furnished officers and members of the house of assembly, January twenty-ninth, eighteen hundred and sixty-seven,	7,150 00
Item No. 17. To Murphy & Bechtel, for stationery furnished officers and members of the house of assembly, March twenty-eighth, eighteen hundred and sixty-seven,	7,250 00
Item No. 18. To Charles Scott, for stationery in house of assembly, furnished by George B. Cooper,	

clerk,	599 05
Item No. 19. To Murphy & Bechtel, for stationery furnished house of assembly,	58 00
Item No. 20. To Augustus Jardine, services as page to speaker of house of assembly,	200 00
Item No. 21. To William Nevius, services as page to the clerk of assembly,	200 00
Item No. 22. To William M. Conover, for extra services, as page of house of assembly,	50 00
Item No. 23. To Robert Moore, for extra services as page of house of assembly,	50 00
Item No. 24. To William Darnstaedt, for extra services as page of house of assembly,	50 00
Item No. 25. To Murphy & Bechtel, for books and stationery furnished supreme court office, per order of Charles P. Smith, clerk,	155 50
Item No. 26. To Providence Ludlam, chairman senate committee, for services of clergymen who officiated in opening daily sessions of the legislature,	270 00
Item No. 27. To John P. Lansing, for services as clerk for incidental committee,	10 00
Item No. 28. To Samuel S. Whitney, for services as door keeper of ladies' gallery, house of assembly,	400 00
Item No. 29. To Townsend Cox, for services as door keeper of the ladies' gallery of the senate,	500 00
Item No. 30. To Charles Scott, for stationery for engrossing clerk of assembly,	121 40
Item No. 31. To Charles Scott, for stationery for engrossing clerk of senate,	150 70
Item No. 32. To Charles Scott, for stationery for the supreme court and for clerk's office,	119 94
Item No. 33. To Charles Scott, for stationery for the court of chancery and for clerk's office,	166 30
Item No. 34. To Charles Scott, for stationery, wrapping paper, &c., ordered by sergeant-at-arms of house of assembly,	38 85
Item No. 35. To Charles Scott, for stationery for use of senate of extra session, 1866,	497 60
Item No. 36. To Wallace Lippincott, for expenses incurred in contested election case of Grubb, vs. Lippincott,	500 00
Item No. 37. To Murphy & Bechtel, for station-	

ery for the use of the senate,	188 75
Item No. 38. To Brearley, Cogill & Co., for cutlery furnished house of assembly,	338 00
Item No. 39. To Levy W. Fairchild & Co., for stationery furnished the senate,	173 75
Item No. 40. To B. S. Disbrow, & Son, for furniture for office of clerk in chancery,	6 00
Item No. 41. To B. S. Disbrow & Son, for furniture furnished state house,	35 35
Item No. 42. To Hough & Gillespy, to printing blanks for clerk in chancery,	52 00
Item No. 43. To Willet Hicks, for articles furnished senate,	58 85
Item No. 44. To N. D. & John Taylor, for refreshments,	68 40
Item No. 45. To N. H. Tyrell, for expenses incurred in contested election case,	1,000 00
Item No. 46. To A. C. Newman, for draughting plans for altering assembly chamber of state house,	50 00
Item No. 47. To J. O. Seymour & Co., stationery furnished members and officers of the senate, as per order of the committee on stationery,	1,500 00
Item No. 48. To John C. Disbrow for coach hire for prison committee,	16 00
Item No. 49. To William T. Nicholson, for stationery furnished the clerk of the supreme court,	118 40
Item No. 50. To William T. Nicholson, for stationery furnished the clerk of chancery,	120 80
Item No. 51. To James & Dunham, for mucilage and brushes furnished to the senate,	37 50
Item No. 52. To William Wilson, extra services as page of senate,	50 00
Item No. 53. To John Labourette, extra services as page of senate,	50 00
Passed April 12, 1867.	

CHAPTER CCCCLXXVII.

An act to prevent the sale of intoxicating liquors on election days.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person to sell, or offer to sell, or expose for sale within the limits of any city, precinct, town, township or other municipality within this state, any spirituous, vinous, malt liquors, ale, beer or cider, on any day upon which any election, either general, special or municipal, shall be held in said city, precinct, town, township or other municipality, between sunrise in the morning and sunset in the evening.

Sale of liquor on election days prohibited.

2. *And be it enacted*, That any person or persons who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or both, in the discretion of the court.

Penalty for violation.

3. *And be it enacted*, That in addition to the penalties provided by the second section of this act, for any violation of the provisions of this act, every person so offending, for every offence shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court having jurisdiction of that amount, by any citizen of this state, resident in the county where such offence shall be committed, one-half of which penalty shall, when collected, be paid to the county collector of said county, where said offence is committed, for the benefit of said county, and the other half to the person who shall prosecute for the same.

Additional penalty.

4. *And be it enacted*, That it shall be the duty of all sheriffs under sheriffs, police officers and constables, on any such election day, between sunrise in the morning and sunset in the evening, to arrest without warrant, all persons who shall be found by them in the actual violation of any of the provisions of this act, and take such persons when arrested before some justice of the peace of the county in which such arrest shall be made to be dealt with by said justice according to law, and it shall be the further duty of such sheriffs, under sheriffs, police officers and constables, to effectually

Duty of sheriffs, police officers &c., on election days.

close up all places where they shall have good reason to believe any spirituous, vinous, malt liquors, ale, beer or cider, are being sold or offered or exposed for sale, in violation of the provisions of this act, and keep the same effectually closed up till after sunset on such election day.

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

Approved, April 12, 1867.

CHAPTER CCCCLXXVIII.

An act to incorporate the Citizens' Gas Light Company of New Jersey.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Williamson, Amos Clark, Junior, William J. Iliff, Albert Brisbane, Jacob M. Stiger, Edward P. Williams, David Smith, George Brisbane, Aaron L. Stiger, 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 and in law, by the name of "The Citizens' Gas Light Company of New Jersey," and by the said name the said corporation shall have corporate power in all courts of law and equity, and shall have power and authority to manufacture, make and sell gas, to be made of coals or other materials, for the purpose of lighting the streets, buildings, and manufactories, in any city, corporate town or village in this state, where no gas company has been chartered or organized therefor, when this act takes effect, or which is not supplied with gas by company organized and established elsewhere; *provided*, that the consent of the authorities of such city or town, or the inhabitants of such village, shall be first had and obtained; and to enter into and to execute such contracts, agreements or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding and disposing of 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

Provide

to acquire and hold and dispose of for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned, and no private lands shall be any way injured or defaced without permission being first obtained in writing from the owner or owners thereof. 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, or public grounds of such city, town or village, and to do all things necessary to light the said city, town or village, or any part thereof; *provided*, that the public travel shall at no time be affected or impeded by the laying of said pipes, or the erection of said posts, and the streets, side and cross-walks, public grounds, lanes, avenues and squares shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts. May lay gas pipes, erect gas posts &c.
Proviso.

3. *And be it enacted*, That Benjamin Williamson, Amos Clark, Junior, William J. Iliff, Albert Brisbane, Jacob M. Stiger, Edward P. Williams, David Smith, George Brisbane, and Aaron L. Stiger, are hereby appointed commissioners for receiving subscriptions for the sum of thirty thousand dollars, to constitute the capital stock of 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, and 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: and the sum of ten per centum upon each share so subscribed shall be paid by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and as soon as thirty thousand dollars shall have been subscribed, the amount so received by the said commissioners at the time of subscription shall by them, or a majority of them, be paid over to the directors of said company, to be appointed as hereinafter directed, and all the powers of said commissioners shall cease and determine; and the said board of directors, when so appointed, shall Commissioners to receive subscriptions.

have power, and they hereby are authorized, to open the books for the further subscription of the stock until the whole stock subscribed amounts to the sum of one hundred thousand dollars, and are also authorized to call upon the subscribers for the payment of further instalments, in said 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; *provided*, that no such instalment shall exceed ten per centum upon each share, and that no instalment shall be required within thirty days of each other.

Proviso.

Election of directors.

4. *And be it enacted*, That the management and concerns of said company shall be vested in seven directors, to be selected from the stockholders, and the said directors shall choose, by plurality of votes, a president from among themselves, and as soon as may be after thirty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the Second Monday in January, eighteen hundred and sixty-eight, and until others are elected in their stead; and on the second Monday in January in each year and at such time and place as a majority of the directors may appoint, the said stockholders shall meet for the purpose of electing a board of directors for the ensuing year, and public notice shall be given of the time and place of holding such election, for ten days in a newspaper published in the county of Union, and any vacancy in the said board of directors may be supplied by the board of directors until next election, and all elections shall be by ballots of the stockholders or their proxies, allowing one vote for each share of stock held upon the books of the company.

Not to be dissolved by failure to elect.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year.

General powers of directors.

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, and have power to make by-laws, rules and regulations, not repugnant to the constitution or laws of the United States, or of this state, or the

provisions of this act, for the government of said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks and persons employed therein, the elections of directors, and all other matters appertaining to their business or concerns, and may appoint as many officers, clerks and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare from the profits and earnings of the company such dividend and dividends, among the stockholders from time to time, and make the same payable in such manner as to them may seem expedient.

7. *And be it enacted*, That the capital stock of said corporation may be increased, upon the consent of a majority of the stockholders to any amount not exceeding five hundred thousand dollars, and all the stock of said corporation shall be transferable according to the by-laws and regulations of the company, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders. Capital stock may be increased.

8. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever thereby to injure any conduit, pipe, cock, metre, 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 and imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for any injury as aforesaid by and in the name of the said corporation, in any court of this state having cognizance of the same. Penalty for injury to works.

9. *And be it enacted*, That the said company shall have their principal office in the city of Elizabeth, and cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall at all times be open for the inspection of the stockholders. Location of principal office.

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

Approved April 12, 1867.

CHAPTER CCCCLXXIX.

A further supplement to the act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Jersey City and Bergen Railroad Company to run and use upon that part of their road extending from the road of the Newark Plank Road and Ferry Company, in the town of Bergen, to the Kill von Kull, their cars and steam dummy engines, free from all control or interference of or by any of the municipal authorities of any town or township through which the said railroad is located, excepting in the town of Bergen, wherein the council thereof shall have the power to regulate and control the speed of running said cars, but not at a less speed than six miles per hour; *provided*, that the said railroad shall be so run and operated as to afford all necessary facilities for the accommodation of the public travel, and they shall not run faster than ten miles an hour; and also that no cars except to convey passengers for funerals shall be allowed to travel on said road south of the road of the Newark Plank Road and Ferry Company on the first day of the week, commonly called Sunday; *provided furthermore*, that whenever the carriage-way on the outside of the rails of said railroad shall be paved on Ocean avenue, from the road of the Newark Plank Road and Ferry Company to Myrtle avenue, then the said railroad company shall pave their tracks between their rails from said plank road to Myrtle avenue, and shall use horse instead of steam power thereafter on their railroad between said plank road and Myrtle avenue.

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

Approved April 12, 1867.

CHAPTER CCCCLXXX.

A further supplement to an act entitled "An act to incorporate the Trenton and Allentown Turnpike Company," approved March eleventh, eighteen hundred and fifty-six.

WHEREAS, it is the intention of the Trenton and Allentown Turnpike Company to extend their road from Hamilton Square to Newtown; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the public road as is included between the present terminus of their turnpike road at Hamilton Square, in the township of Hamilton, and the track of the Camden and Amboy railroad, at Newtown, be, and the same is hereby vacated for the uses and purposes of said turnpike company, and it shall be lawful for said company to demand and receive tolls for travelling on the road, when it shall be constructed, at the rates prescribed in their charter. Portion of
public roads
vacated.

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

Approved April 16, 1867.

JOINT RESOLUTIONS.

NUMBER I.

Joint resolution in reference to the proposed increased capital stock of the joint companies.

WHEREAS this state is a large shareholder in the capital stocks of the Camden and Amboy Railroad and Transportation Company, and of the Delaware and Raritan Canal Company, and these companies having determined to increase their respective capitals to the amount of twenty-five per centum thereof have notified their stockholders that they may subscribe for said increased stock at par, in proportion to their respective interests, *provided* the same is subscribed for at the time, and the payments therefor are made in the manner prescribed in said notification, and in the case of the state the time of subscription has been enlarged to the first day of February next; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized and directed forthwith to subscribe, in the name of the state, for all the increased stock of said companies to which New Jersey may be entitled, and to make the payments therefor at the times and in the manner heretofore designated by said companies; and

2. *Be it resolved*, That the said treasurer, with the consent of the governor, at any time after making such subscription, is hereby authorized, if in his judgment the necessities of the state should require it, to sell the said increased stock for the largest price he can procure for it, the avails of such sale to be by him deposited in the treasury for the uses of the state.

Approved February 4, 1867.

NUMBER II.

A further joint resolution in relation to the preparation of a history of New Jersey's part in the late war for the Union.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the historiographer appointed to prepare a history of New Jersey's part in the war for the Union, be and he is hereby authorized to prepare said history upon the plan of brigade, instead of regimental narratives, where the same can be done advantageously and without involving the omission of any essential fact; and that the governor be and he is hereby authorized to procure the publication of said history, upon such plan, and in such manner, as to him shall appear most judicious and consistent with the public interests.

Approved March 20, 1867.

NUMBER III.

Joint resolution authorizing the State Treasurer to substitute Registered for Coupon Bonds of the State of New Jersey, and also to substitute perfect Registered or Coupon Bonds for imperfect Registered or Coupon Bonds of the State of New Jersey.

Preamble.

WHEREAS, applications have been made at the treasury department by the holders of New Jersey coupon bonds issued by authority of an act entitled "An act authorizing a loan for purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the supplement thereto, approved March twenty-fourth, eighteen hundred and sixty-three, to have registered bonds substituted therefor, and whereas applications have also been made to have certain coupon bonds which have been defaced changed for others; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be, and he is hereby, authorized by and with the consent of the governor to substitute for coupon bonds, exempt from taxation returned to him, other registered bonds of like amounts of the issue "exempt from taxation" and to substitute perfect bonds of like amounts, either coupon or registered, for those which have been defaced, upon the surrender of the same by the owners thereof; *provided*, that the time of payment and redemption of the bonds so substituted shall correspond with the time of the payment and redemption of the bonds returned for which they are substituted respectively.

Approved April 3, 1867.

Treasurer
authorized
to substi-
tute cer-
tain bonds..

NUMBER IV.

Joint resolution relating to the payment of certain bounties out of the treasury of this State.

WHEREAS, in the month of August, A. D., eighteen hundred and sixty-three, the sum of thirty thousand dollars was deposited with Joel Parker, then governor of this state, by the directors of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, to be used at his discretion to promote volunteering in New Jersey; *and whereas*, a bounty of twenty-five dollars to each man of the first twelve hundred who should volunteer and be mustered into the service of the United States, on and after the first day of September, A. D. eighteen hundred and sixty-three, was offered to be paid out of said fund; *and whereas*, there remains in the hands of the said Joel Parker, a balance of said fund, being two bonds of the state of New Jersey of one thousand dollars each, which he desires, with the consent and approbation of the said joint companies already given to transfer to the Soldiers' Children's Home of New Jersey; *provided*, this state will assume and pay those entitled to receive payment out of said fund, who have not heretofore been paid, and who may hereafter apply; therefore,

Preamble.

Proviso.

1. BE IT RESOLVED *by the Senate and General Assembly of*

Treasurer
authorized
to pay
bounty.

Proviso.

the State of New Jersey, That the treasurer of this state shall pay to each volunteer entitled to receive a bounty from said fund under the terms of the offer expressed in the preamble to these resolutions, the sum of twenty-five dollars; to be paid out of the treasury of this state on warrant, and also upon the production of a certificate from the comptroller of the treasury that the applicant for said bounty is entitled to receive the same, and has not heretofore been paid; *provided*, the said Joel Parker shall have first transferred to the treasurer of the Soldiers' Children's Home of New Jersey, the said two bonds, being the balance of said fund; *and provided also*, that the whole amount paid by the treasurer under this resolution shall not exceed two thousand dollars.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 3, 1867.

NUMBER V.

Joint resolution for the appointment of Commissioners to revise the tax laws.

Preamble.

WHEREAS, our existing tax laws are complicated and very difficult to be understood, and should be revised so as to make them harmonize with the tax laws of the federal government; therefore,

Governor
to nominate
commissioners.

Compensation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall nominate, and by and with the consent of the senate, shall appoint three judicious and competent persons commissioners to revise the tax laws of this state, and report by bill to the next regular session of the legislature; and that the treasurer of this state be authorized to pay upon the warrant of the comptroller, such reasonable compensation for their services as he shall think just, not exceeding one hundred dollars each.

Approved, April 9, 1867.

NUMBER VI.

Joint resolution authorizing the Secretary of this State to send to the State of South Carolina a set of the law and chancery reports and pamphlet laws of this state.

WHEREAS, it is represented that by the burning of the State Library of South Carolina at Columbia, all the volumes of laws and reports of the state of New Jersey, received under the laws of exchanges, were destroyed, and that the renewal of the same, as far as practicable, would be of advantage to the citizens of both states, therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of this state be hereby directed to forward to the state librarian of South Carolina, at Columbia, a set of law and chancery reports and pamphlet laws of this state, as far as the same may be practicable. Secretary of state authorized to send laws, &c.

Approved April 9, 1867.

NUMBER VII.

Joint resolution for the appointment of a committee to audit the report of the commissioners of the Sinking Fund of the State of New Jersey.

WHEREAS, it appearing by the last annual message of the governor, that the commissioners of the Sinking Fund of the State of New Jersey had requested an examination to be made of their books and vouchers, and that their accounts should be duly audited; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a joint committee of two from the senate and three from the house be appointed to make such examination and audit said accounts, and make report of their proceedings in the premises. Committee to make report.

Approved April 9, 1867.

NUMBER VIII.

Joint resolution appointing commissioners on the part of the State to confer with commissioners of New York in regard to the authorization of the erection of warehouses, docks and wharves in the bay of New York.

Preamble. WHEREAS, the legislature of the State of New York, by an act embodied in chapter six hundred and thirteen of the laws of that state, passed in eighteen hundred and sixty-five, authorized the erection of warehouses and docks on the part of New York, for certain purposes particularly specified in said act; and whereas it has been represented to the legislature of New Jersey that a site for such warehouses and the docks and wharves appurtenant thereto, can only be selected at a point in the bay of New York, which is admitted to be the property of New Jersey by the terms of the contract between said states made in eighteen hundred and thirty-four, therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Courtlandt Parker, Jacob R. Wortendyke, Walter Rutherford and Orestes Cleaveland, with the attorney-general of the state, be appointed on the part of the state of New Jersey to confer with any authorized commissioners appointed or who may be appointed under the acts of New York, passed in the year eighteen hundred and sixty-five, chapter six hundred and thirteen, in regard to the authorization of the erection of such warehouses, with the docks and wharves appurtenant thereto, on such terms and conditions as may be consistent with the interest of the state of New Jersey, and to report to the legislature at its next session by bill or otherwise.

Names of
New Jersey
commis-
sioners.

Approved April 10, 1867.

NUMBER IX.

Joint resolution relative to paying the expenses of the trial of Peter N. Horsley.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be directed to pay upon the approval and warrant of the comptroller, the costs and expenses on the part of the state, incurred in the trial and impeachment of Peter N. Horsley. Expenses
ordered
paid

Approved April 11, 1867.

NUMBER X.

Joint resolution authorizing the state treasurer to destroy certain blank bonds of the state of New Jersey.

WHEREAS, there are lying in the vault of the treasury a large number of blank coupon bonds of this state, the coupons attached to which have the signature of the treasurer engraved thereon; *and whereas*, the said coupon bonds are issued by authority of the "act authorizing a loan for war purposes, &c.," approved May tenth, eighteen hundred and sixty-one, and the supplement thereto, approved March twenty-fourth, eighteen hundred and sixty-three, and the whole amount authorized by said acts has been issued, therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be, and he is hereby authorized to destroy the said blanks under the supervision of the joint committee on treasurers' accounts, the said committee to give the treasurer a certificate stating the number and description of the bonds destroyed. Treasurer
authorized
to destroy
blanks.

Approved April 11, 1867.

NUMBER XI.

Joint Resolution in relation to the repayment of the money loaned to the New Jersey Railroad and Transportation Company by the "Trustees for the support of Free Schools."

Treasurer
to give notice
for the repayment
of money
loaned.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be, and he is hereby directed to give to the New Jersey Railroad and Transportation Company the notice provided for in the act hereinafter mentioned, requiring the repayment of the money loaned to said company by the "Trustees for the support of Free Schools," under the act entitled "An act relative to the New Jersey Railroad and Transportation Company," passed January twenty-sixth, eighteen hundred and thirty-seven.

Approved April 11, 1867.

NUMBER XII.

Joint resolution relative to Boards of Education.

Preamble.

WHEREAS, There are boards of education established by law in the cities of this state which have had conferred upon them the power of making by-laws or regulations in regard to the government of the schools within their jurisdiction respectively; *and whereas*, since the passage of the act approved March twenty-first, eighteen hundred and sixty-seven, entitled "An act to establish a system of public instruction," doubts have arisen as to whether such by-laws or regulations, or some of them, have not been altered, abrogated or repealed by virtue of said act, therefore,

By-laws of
boards of
education
held to be
valid.

1. BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the act aforesaid entitled "An act to establish a system of public instruction," shall not be construed to repeal, abrogate or otherwise impair any of such by-laws or regulations heretofore adopted by any board of education created by act of the legislature in any city, borough or town within this state, but the same shall be held to be as valid and effectual as though said act had not been passed.

Approved April 12, 1867.

PROCLAMATIONS.

Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

WHEREAS, information has been communicated to me in due form of law, that, on the morning of January the first instant, at the house of Aaron Ward, township of Clinton, county of Essex, and state of New Jersey, a burglary was perpetrated under circumstances greatly aggravating the crime, by some person or persons unknown,

Now therefore, I, Marcus L. Ward, Governor of the state of New Jersey, by virtue of the authority vested in me by law, do issue this my proclamation and hereby offer a reward of five hundred dollars to be paid out of the treasury of this state for the apprehension and conviction of any person or persons who committed the said crime; and I do hereby by virtue of the authority also invested in me by law, further offer a reward of two hundred to be paid out of the treasury of this state for the apprehension and conviction of any person or persons who may have comforted, harbored or concealed the perpetrator of the burglary aforesaid knowing the same to be guilty.

Given under my hand and the great seal of the State
[L. S.] of New Jersey at Trenton, this second day of January A. D., eighteen hundred and sixty-seven.

MARCUS L. WARD,

By the Governor:

H. N. CONGAR, *Secretary of State.*

A Proclamation by the Governor of New Jersey, for a day
of public thanksgiving and praise.

It has pleased the Supreme Ruler of the Universe to grant us as a people and as individuals, during the last year, unnumbered blessings and benefits, rich and abundant harvests have crowned the labors of the husbandman, and manufacturing and commercial prosperity has enriched our cities, rewarded capital and remunerated labor.

Peace, security and public order have everywhere guarded our interests and protected our rights. We have been preserved from the pestilence which walketh by noonday, from civil strife and foreign war. Education has been fostered, noble charities endowed, and the cause of religion advanced. The Union is being re-constructed on principles of true equality and justice, and our country is taking a higher and nobler position in the scale of nations.

Therefore, it is fitting and proper that a day should be set apart for special thanksgiving and praise to Almighty God, and believing that it is in accordance with the desire of a grateful people, I, Marcus L. Ward, Governor of the state of New Jersey, do hereby designate and appoint Thursday the 29th day of November, instant: and I recommend that abstaining from all worldly employment, the people of this state assemble on that day in their several places of public worship, to give thanks to the Father of all mercies, for the manifold blessings of the past year, humbly imploring that He will guide, guard and bless us in the years which are to come.

Given under my hand and seal at the city of Trenton
 { Privy } on the 5th day of November, anno domini, eighteen
 { L. S. } hundred and sixty-six, and of the ninety-first of
 { Seal. } the Independence of the United States.

MARCUS L. WARD.

Attest,
 WILLIAM L. DAYTON, *Private Secretary.*

Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT.

WHEREAS, information has been communicated to me in due form of law that Margaret Kays, of Stewartsville, in the county of Warren, in the state of New Jersey, on the fifteenth day of February instant, was murdered in her own house by some person or persons unknown,

Now therefore, I Marcus L. Ward, Governor of the state of New Jersey, by virtue of the authority vested in me by law, do issue this, my proclamation, and hereby offer a reward of three hundred dollars, to be paid out of the treasury of this state, for the apprehension and conviction of the person or persons who committed the said crime.

Given under my hand and the great seal of the state
[L. S.] of New Jersey, at Trenton, this nineteenth day of February, A. D., eighteen hundred and sixty-seven.

MARCUS L. WARD.

By the Governor,
H. N. CONGAR, *Secretary of State.*

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